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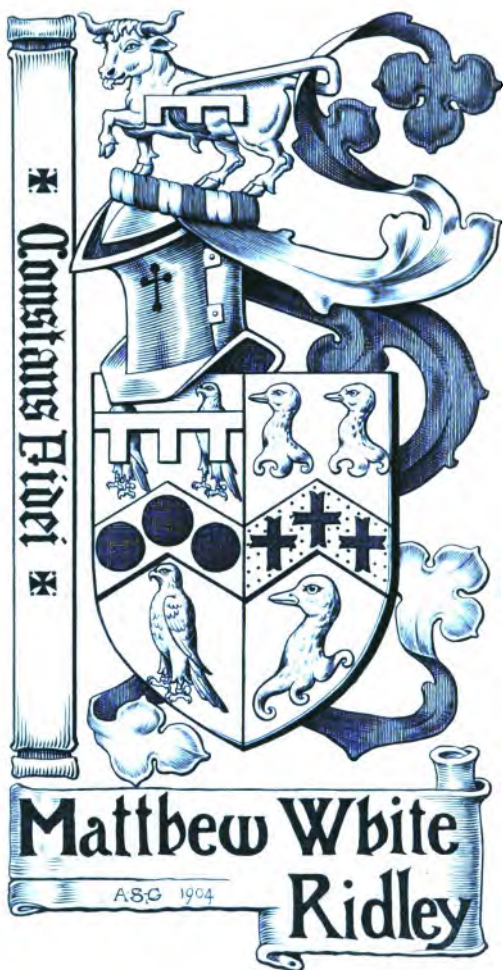
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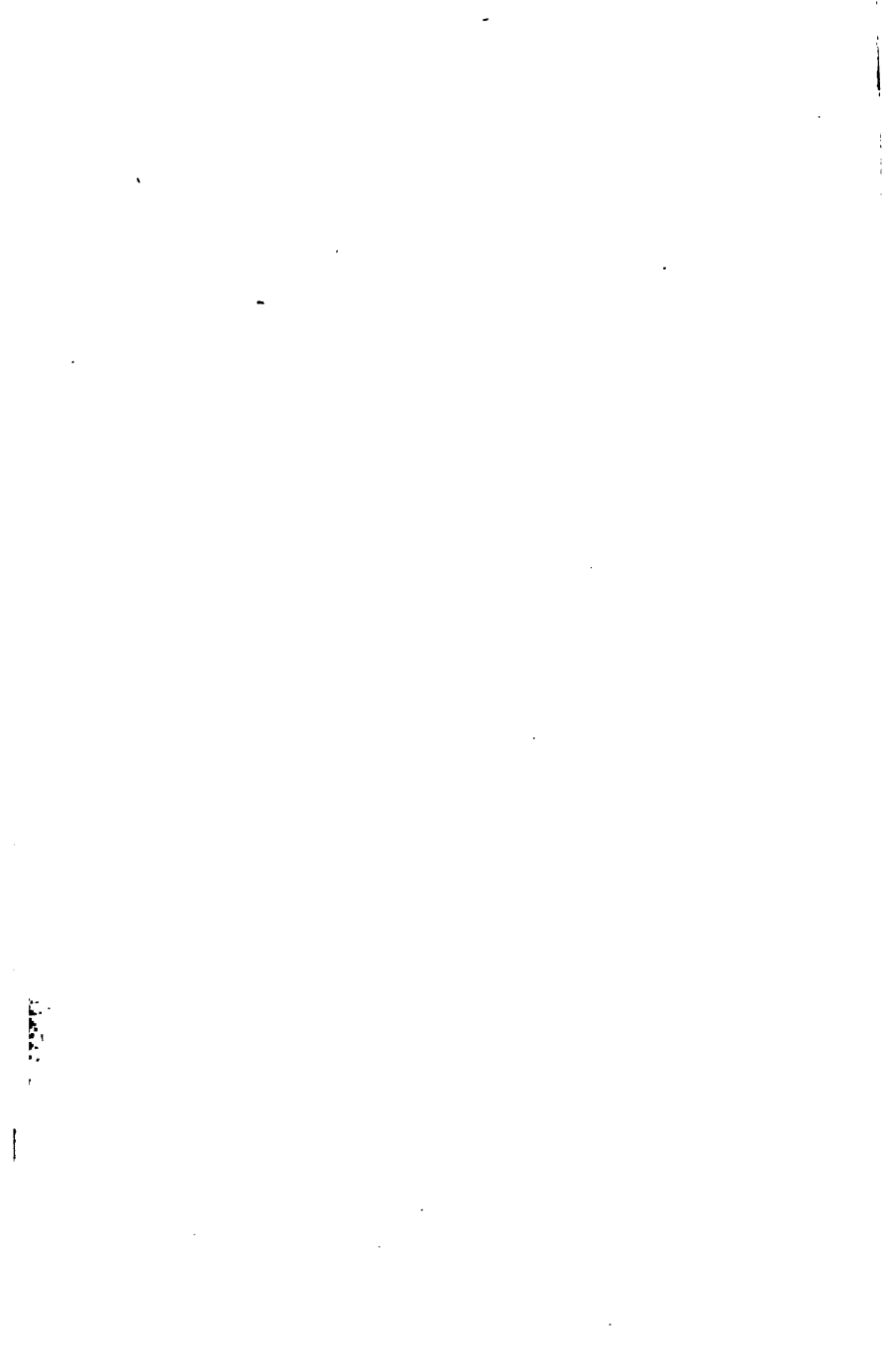
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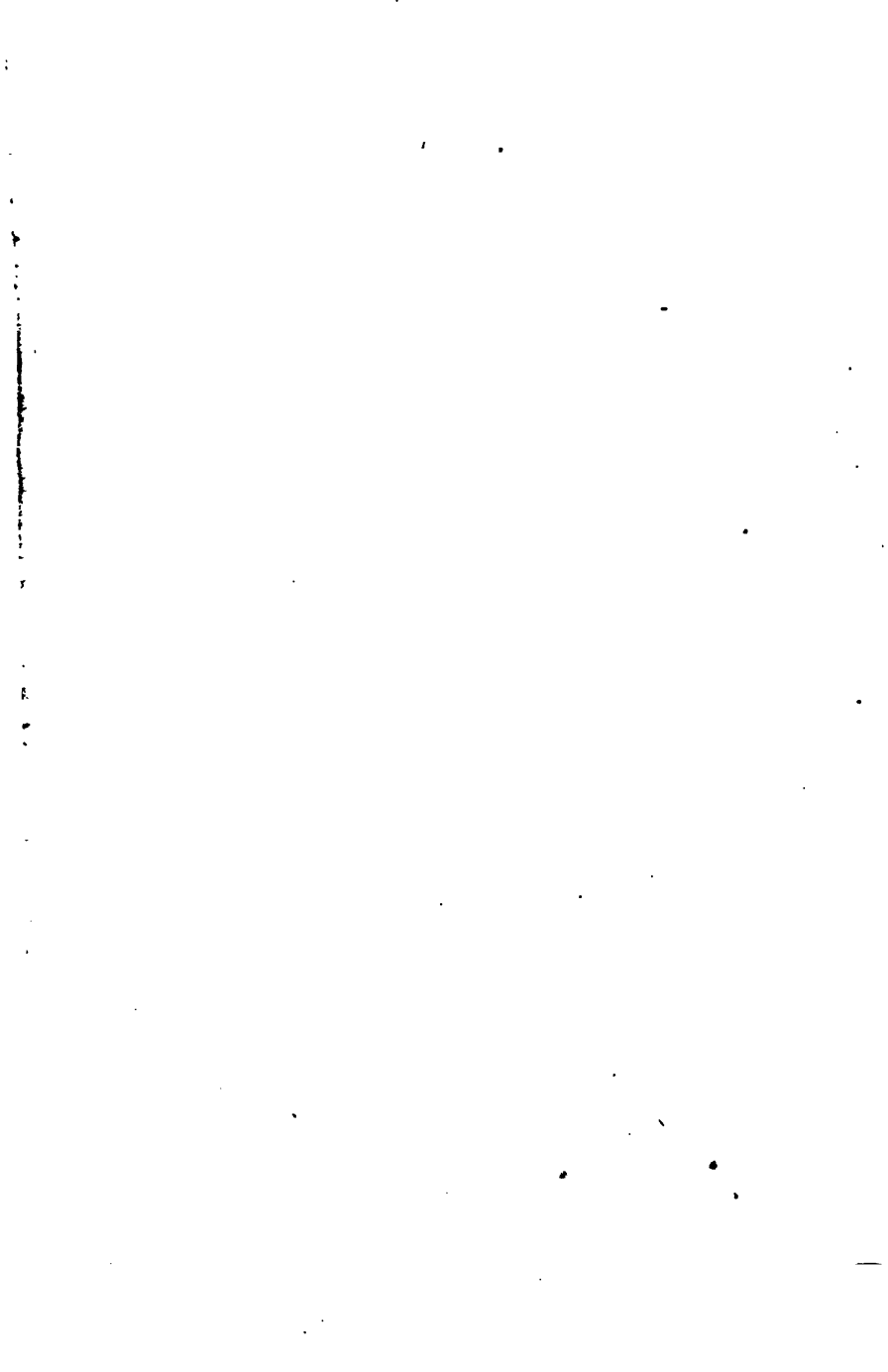
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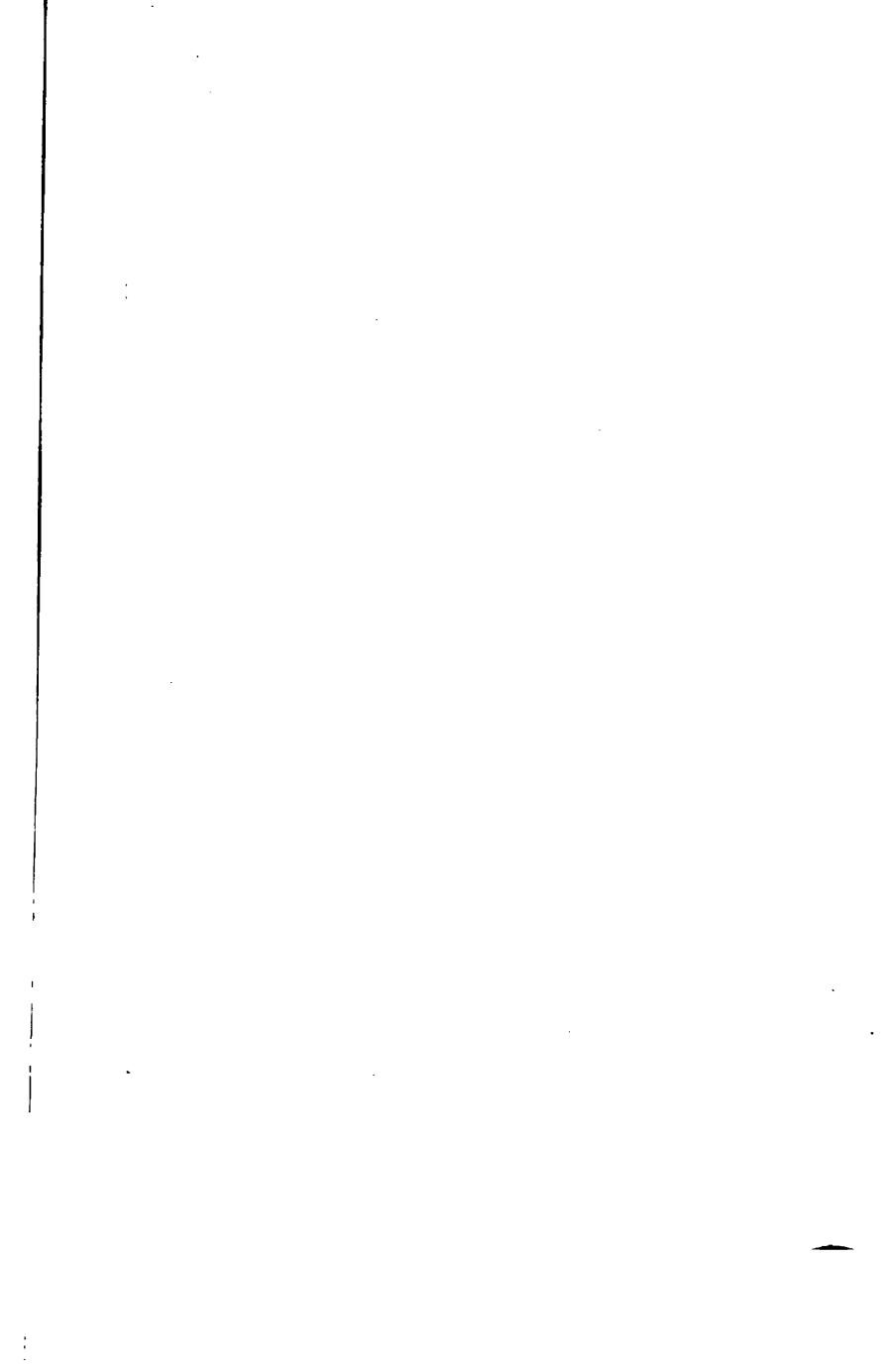




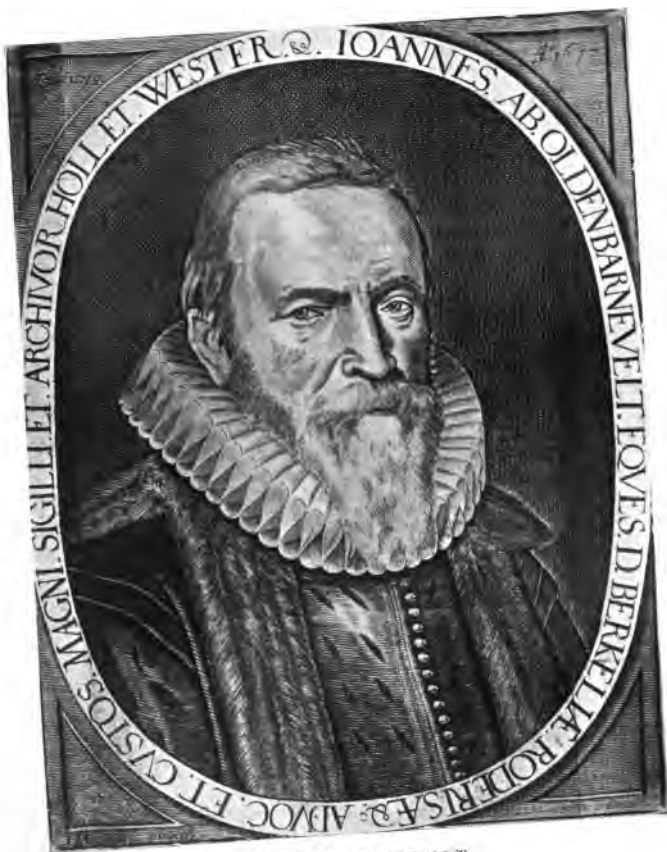
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JAN VAN BARNEVELDT.

*Frontispiece.*

# HISTORIC PARALLELS TO L'AFFAIRE DREYFUS

BY  
EDGAR SANDERSON, M.A.

*Sometime Scholar of Clare College, Cambridge.*

AUTHOR OF "THE BRITISH EMPIRE IN THE NINETEENTH  
CENTURY," "HISTORY OF THE WORLD," "AFRICA  
IN THE NINETEENTH CENTURY," ETC., ETC. . . .

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## INTRODUCTORY

“WE have no hesitation in affirming that the sentence of the Rennes court-martial constitutes in itself the grossest and, viewed in the light of the surrounding circumstances, the most appalling prostitution of justice which the world has witnessed in modern times. Judicial crimes have been committed in the past under the overpowering influence of popular passion, in moments of intense panic and national excitement, in the throes of revolutionary movements, when the whole machinery of justice has fallen temporarily into the hands of a bloodthirsty mob or of fanatical sectaries ; but never before—in a great country which claims to march at the head of civilisation, which possesses all the outward guarantees of social order, of constitutional liberties, and of regular government, which

in a period of profound international peace can rely upon the consciousness of its own strength not less than upon powerful alliances for the undisturbed enjoyment of its legitimate position among the foremost Powers of the world—has a properly constituted tribunal, invested with all the power and majesty of the law, so flagrantly, so deliberately, so mercilessly trampled justice, honour, and truth under foot! All the outrageous scandals which marked the course of the trial—the glaring animus displayed by the president of the court, the vindictiveness of the public prosecutor, the muzzling of witnesses favourable to the prisoner, the servility displayed towards his be-starred and be-ribboned accusers, the exclusion of the weightiest evidence that could tell in his favour, the ready acceptance of every irrelevant scrap of mendacious gossip re-tailed against him,—all these pale into insignificance beside the crowning scandal of the verdict—a verdict which is a slap in the face not only to the two great Powers who have seen their most explicit and reiterated declarations flouted, not only to the highest judicial body in France itself, whose long and laborious investigations have

been flung aside as worthless, but to the public opinion of the civilised world, to the conscience of humanity."—*Times* leader, September 11th, 1899.

"When the complete report of the trial at Rennes shall have been published, there will be in existence no more execrable monument of human infamy. It outstrips all precedents. Never yet will history have been furnished with any document more flagitious. Ignorance, folly, madness, cruelty, lying, crime, are displayed therein with an effrontery that will make the next generation thrill with shame. That document contains avowals of our baseness at which all mankind will blush. And it is just that fact which arouses my dread; for in order that such a trial should have been able to take place in any country, in order that a nation should deliver to the civilised world such a judgment on its own moral and intellectual condition, it must be passing through a dreadful crisis. Is death near at hand? What bath of goodness, purity, and equity will save us from the poisonous slime in which we are perishing?"—EMILE ZOLA in *L'Aurore*, September 11th, 1899.



Such are the words, not less just than trenchant, in which contemporary British and French writers have anticipated the assured judgment of posterity on the wickedness perpetrated at Rennes. We purpose laying before our readers a few instances from modern history of judicial crimes of the class above indicated—crimes not rivalling the Rennes atrocity in deliberate guilt, but procedures in which religious bigotry, popular panic, and political rancour, singly or combined, played a leading part.

## CHAPTER I

### JOHN OF BARNEVELDT

1619

Jan van Barneveldt—His Personal Appearance in Old Age—Birth, Early Years, Services to his Country—Maurice of Nassau—His Rise to Power largely due to Barneveldt—Position of the Dutch Netherlands in 1609—Person and Character of Maurice—Rise of his Ill-will against Barneveldt—Rival Parties in the Country—Religious Affairs—Calvinism and Arminianism—Arminius and Gomar—The "Remonstrance" and its "Five Points"—"Counter-Remonstrance"—The Adherents on each Side—Barneveldt an Arminian—The Theological Civil War—The Question of Toleration—Practice of the Time in the Dutch Netherlands—Prince Maurice becomes a Calvinist or "Counter-Remonstrant"—Barneveldt's View—The Question of a National Synod—The Parties at Issue on this Point—The Influence of Prince Maurice—of Barneveldt—Calumnies against his Party and Himself—Barneveldt and Grotius have Interview with the Prince—The "States" of Holland and the "Sharp Resolve"—Enrolment of "Waartgelders"—Prince Maurice and Barneveldt in Open Conflict—The Prince seizes Brielle—The States-General vote for a National Synod—Renewed Calumnies against Barneveldt—Threats of Maurice—Barneveldt's Letter of Remonstrance treated with Insult—The Prince resorts to Military Force—His Seizure of Arminian Towns—His Doings at Nymegen,

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## CHAPTER I

JOHN OF BARNEVELDT

1619

**I**N March, 1619, a venerable man, of large square face, most expansive brow, long grey beard, and stern blue eye, a man tall but bent with age, haggard with anxiety and illness, leaning on his staff, and clad in black velvet cloak, appeared as a culprit before a special commission sitting at the Hague. He was the foremost statesman in Europe, unrivalled in experience, sagacity, breadth of view, and political tact. He was vaguely charged with treason to his country, on which, during a career of above forty years' duration, he had conferred benefits beyond dispute and of inestimable value. What series of events, what causes, had brought such a man into so terrible a position?

John of Barneveldt, known to his countrymen,

#### 4 Historic Parallels to "L'Affaire Dreyfus"

in his proper style, as Jan van Olden Barneveldt, was born in 1547 at Amersfoort, in the province of Utrecht, of a long line of patrician ancestors on both sides. Not opulent in worldly means, he was from an early age a diligent learner and hard worker. After a period of profound studies in the chief academies of Holland, France, Italy, and Germany, he began in 1569 to practise as an advocate at the Hague. A true patriot, he served against the Spaniards as a volunteer, and at his own expense, through several campaigns, with near peril of his life in the disastrous attempt to raise the enemy's siege of Haarlem, and with complete disablement from sickness and exposure in the great historic defence of Leyden. His ability and learning as a lawyer were so well displayed before the tribunals that in 1576, before he had reached thirty years of age, he was appointed to the high post of Counsellor and Chief Pensionary of Rotterdam, the latter term, assigned as to one receiving a salary or pension, being the official title of the syndic or legal adviser of the Council.

During the lifetime of William of Orange, "the Silent" (the "Father William" of his admiring

and loving countrymen), Barneveldt was one of his most trusted and energetic assistants.

In 1585, after the assassination of the Prince, at a time when the Spanish successes under the Prince of Parma seemed to render the patriotic cause a hopeless one, Barneveldt headed the embassy to Queen Elizabeth, which sought and obtained help from her in men and money. He was then promoted, in 1586, to the office of Advocate-General of the provinces of Holland and West Friesland. Disgusted with the Earl of Leicester, who, as Elizabeth's appointed general, had received from the Dutch supreme and absolute authority in the field, only to display combined incompetence and arrogance, Barneveldt had striven to limit his powers, and finally persuaded the States to appoint Maurice of Nassau, the younger son of the murdered Prince of Orange, as Stadtholder and Captain-General of the provinces of Holland and Zeeland. The influence of the Advocate also procured the election of Maurice, at twenty-four years of age, to the Stadtholdership of Gelderland, Utrecht, and Overijssel. The young man, in the contest against the Spaniards, had already given proof of

## 6 Historic Parallels to "L'Affaire Dreyfus"

the military qualities which were to make him one of the foremost generals of his time. City after city, fortress after fortress, fell into the hands of the Dutch. In 1597 he defeated the foe at Turnhout in Brabant, and in 1600 he won a splendid victory at Nieuwpoort. Then for the space of above three years he set all the military power of Spain at defiance in his famous defence of Ostend; and his military fame was spread through Europe.

Barneveldt had mainly contributed to place in the highest political positions in his own country, as governor, commander-in-chief, and high admiral of five of the seven provinces forming the Dutch confederacy, a man who was to become his deadly foe. The diplomatic and administrative services of the Advocate were of surpassing merit. The work of his brain, pen, and tongue was strongly felt throughout the European politics of his time by monarch, statesman, and warrior in many a critical moment of that troubled and eventful age. In home affairs his prudence, energy, and skill restored and greatly improved the financial position of his country. In 1592, when he had proposed to resign his post, he

retained it at the urgent request of the States. Six years later, he was ambassador to Henry the Fourth of France, seeking to maintain and consolidate friendship between the two countries. In 1603 he headed an important mission to England, on the accession of James the First. In 1607, after first obtaining from Spain a recognition of the independence of the United Provinces, he opened negotiations for the purpose of establishing a truce. It was at this point that the enmity of Maurice to the great Dutch statesman had its real origin. The personal interests and ambition of the Prince were nearly concerned. The Seven Provinces of the Netherlands had emerged from a victorious forty years' struggle with one of the great European Powers, from a heroic contest with foreign tyranny to which, viewed in all its circumstances, the history of the world affords no parallel. They had come out of that great ordeal with need of repose to recruit their strength, but with great glory and honour attached to their name. The little cluster of provinces had become an European constellation of the first order in the firmament of fame. They ranked among the foremost nations of the



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world. They played a leading part in the diplomacy of Europe at that day. In point of wealth the Dutch Netherlands were equal with the two great rival Powers, Spain and France, each of triple their population. The yearly income of Queen Elizabeth had been less than seven hundred thousand pounds; the Netherlands had annually raised a revenue of a million sterling. Of all the confederate states, Holland took the lead in wealth and power; and Barneveldt, as the Advocate of that province, was virtually the ruler, in home and foreign affairs, of the whole republic. Such a position could not but stir jealousy in such a man as Maurice of Nassau.

In 1609 the Prince, in his forty-second year, was in the bloom of his strength and fame. His frame and demeanour were noble and warlike. The character of his countenance was strikingly mingled. The upper half of the handsome face, with bright, cheerful, and thoughtful brow, large hazel eyes, straight, thin, slightly aquiline, well-shaped nose, and fair hair barely tinged with grey, was of highly intellectual cast. The lower half, with a broad, thick-lipped sensual mouth, heavy pendent jowl, sparse beard,

moustache, and chin-tuft, was of far lower type. Licentious in his relations with the female sex, he was otherwise of temperate life, methodical in business affairs, not lavish of money, plain in attire, distinguished only, save on State occasions, by the gold hilt of his sword and a chain of diamonds round his felt hat. His imperial descent, his military fame, warranted him in aspiring to the sovereignty of his country, and he believed that the influence of Barneveldt—a thorough republican—had been exerted against him in that direction. He was, moreover, opposed to the conclusion of the truce with Spain. During the war Maurice had lived in something like royal state, with two hundred officers living at his table; and he was now to descend to the passive part of the mere stadtholder, with limited powers, of five provinces, while Barneveldt actively directed the political affairs of the country. From the time of the truce, the Prince and the army were the sworn enemies of the Advocate, and their faction began to whisper calumnies to the effect that Barneveldt had been bribed by Spanish gold to suspend warfare with the foe.

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The two men, Barneveldt and Maurice, were at the head of two political parties, the republican and monarchical, and we must now show how deplorably the struggle was embittered by theological and ecclesiastical strife. The brave little nation which had waged a desperate, gallant, and successful war with Spain, at the height of her power, in the cause of civil and religious freedom, was now to be nearly shipwrecked on the rocks and shoals of religious controversy. In truth, religious bigotry has never presented itself in a guise at once more odious and ridiculous than in the Dutch Netherlands at this time. Spain, under Philip the Second, with Alva and the Inquisition as his tools, had made bigotry synonymous with wholesale murder. The new republic, whose people he had vainly striven to crush, was now to show forth bigotry as a kind of suicidal frenzy. The Dutch Protestants were divided into two camps. The rival beliefs are known as Calvinism and Arminianism. Calvinism, deriving its name from the great French theologian Jean Calvin, maintained the amiable and attractive doctrine that the Creator and Ruler of the world has, by an eternal decree,

fixed or "predestined" who are to be saved and who damned. By that decree some are drawn to faith and godliness, and, being drawn, can never fall away. Man has no freewill in the matter, and all who are not predestined to be saved are "reprobated" or doomed to be eternally lost. Arminianism—so called from Jakob Harmensen (the Dutch surname being Latinised as "Arminius"), an eminent Dutch theologian of the day—maintains, in substance, that forgiveness and eternal life are for all who repent and believe; that God wills that all men should be saved, and leaves each individual free to accept or reject salvation. Neither side could possibly prove its case from the Scriptures or otherwise. It is needless to say to which side sound sense, humane feeling, and a due conception of the divine nature would incline inquirers into these inscrutable mysteries. In 1603 Arminius became Professor of Theology in the University of Leyden, the renowned academy of learning founded in 1575 by William of Orange as a reward to the citizens (chosen by themselves in preference to a remission of taxes) for their heroic and successful defence of the town against the Spaniards from October, 1573,

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to October, 1574. The chief Dutch representative of Calvinism at this time was Francis Gomar, also a professor of divinity at Leyden. The two parties were thus known as Arminians and Gomarists. Arminius, the genial and tolerant chief of the "freewill" party, died in 1609, and was succeeded by the "Arminian" Conrad Vorstius, a man denounced by the Calvinists as the vilest of heretics. The Arminian preachers drew up a "Remonstrance" to the States of Holland, defending themselves against the imputations of their adversaries, and laying down, in "Five Points," their doctrines as to predestination. To this document the Calvinists replied by a "Counter-Remonstrance" in seven points; and so the war went merrily on, the two sides being now known, not as "Arminians" and "Gomarists," but as "Remonstrants" and "Counter-Remonstrants." As regards the adherents on each side, we note that Maurice of Nassau was, at one time, from sheer indifference, absolutely ignorant as to which of the sects, Arminians and Gomarists, was for and against predestination. His illustrious father, William of Orange, had, from a Catholic, become a sincere

Calvinist, with the rare distinction, in that age, of advocating universal religious tolerance. The son would say "he knew nothing of predestination, whether it were green or blue; he only knew that his pipe and the Advocate's were not likely to make music together." The ultra-Calvinistic party was the most popular, and, as is usual, the most fanatical; but the magistrates and the civil authorities throughout the country were chiefly Arminians, and of Arminians Barneveldt was the non-theological chief.

After the issue of the "Remonstrance" and "Counter-Remonstrance," the seven provinces became one scene of fierce theological combat. In this age it is almost impossible to realise the condition of affairs. Religion—that is, a profession of, and endless talk about, religion—was as much a recognised necessity of existence as food. You could as easily find a man destitute of raiment for his body as devoid of his precious "religious convictions." In Motley's words, "In burghers' mansions, peasants' cottages, mechanics' back-parlours; on board herring-smacks, canal-boats, and East Indiamen; in shops, counting-houses, farmyards, guard-houses, ale-houses;

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in the exchange, in the tennis-court, in the mall ; at banquets, at burials, christenings, or bridals ; wherever and whenever human creatures met each other, there was ever to be found the fierce wrangle of Remonstrant and Counter-Remonstrant, the hissing of red-hot theological rhetoric, the pelting of hostile texts. The blacksmith's iron cooled down on the anvil, the tinker dropped a kettle half mended, the broker left a bargain unclenched, the Scheveningen fisherman in his wooden shoes forgot the cracks in his boat, while each paused to hold high converse with friend or foe on fate, freewill, or 'absolute foreknowledge,' losing himself as he wandered in mazes whence was no issue ; province against province, city against city, family against family ; the country was one vast scene of bickering, denunciation, heartburnings, mutual excommunications, and hatred."

Fervently thankful that, with our views, we were not born into that country and that age, let us pass on to consider another aspect of the strife between religious parties in Holland. There was, if not a deeper, a far more practical question involved. The

problems discussed by the theological disputants above described are insoluble on this side of the grave. There was also a controversy dating from the beginning of history—the struggle for power between the sacerdotal and political orders; the question whether priests shall control the State or the State govern the priests. This was a large part of the feud which convulsed the Dutch Netherlands and brought them to the verge of civil war. Religious equality, as it is now seen in the United States and in the greater British colonies, though not yet in the British Isles, was a thing unknown to the statesmen of that age.

The next best thing to the only right one was, of course, religious toleration. The “Union of Utrecht,” by which the provinces were banded together, was based on the toleration of the various creeds. The burning, hanging, and burying alive of culprits guilty of holding another creed than their judges was given up. Roman Catholics were tolerated so far as freedom from inquisition into private dwellings and men’s and women’s consciences was concerned. The established religion of the States was the



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Reformed faith founded on the *Netherlands Confession* and the *Heidelberg Catechism*, documents which we by no means intend to quote. The maxim of the time was that of *Cujus regio ejus religio*, the principle then held throughout Europe to be the grand result of the Reformation. Freely translated, the Latin means that the master of a country's soil is to decide on its religious faith. In other words, the sovereign who had robbed the ancient Church of its revenues was to prescribe his own creed to his subjects. In the Dutch Netherlands there was no personal sovereign; and if the maxim were there applied, there must needs be a struggle for mastery between the new Church and the civil government.

In 1591, while the war with Spain was yet raging, the great practical question as to the appointment of preachers, schoolmasters, and other officials had been made, under the wise guidance of Barneveldt, a subject of compromise. Appointing boards were established in each district, consisting of four members named by the Churches and four by the magistrates. This compromise, during the war, worked well. When the tension

of the great struggle was relaxed, the spirit of schism was let loose, with the results which have been already described. Under the influence of personal ambition and of prejudice against Barneveldt, Maurice became the chief of the Counter-Remonstrant (Calvinistic) party. These people wished Calvinism to be the established State-religion, without tolerance of any other system. Barneveldt and the Arminians contended that each province should be free to adopt its own religious system. In the province of Holland the Calvinists refused to go to the churches, and set up tabernacles for themselves in barns, outhouses, and canal-boats. The authorities in town and village nailed up the barn doors, and dispersed the canal-boat congregations, while the populace pelted them with stones. They then appealed to the Stadtholder, pleading that they ought at least to be allowed to worship without being forced into churches where they were obliged to hear Arminian blasphemy. At least their barns, they cried, might be left them.

“Barns!” replied Maurice, “barns and outhouses! Are we to preach in barns? The

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churches belong to us, and we mean to have them, too."

The same scenes that were enacting in Holland went on in Overijssel, Friesland, and Groningen ; but there it was the Arminians, not the Calvinists, who were forced to quit the churches, whose barns were nailed up, and whose preachers were mobbed. In January, 1614, the States of Holland, where the Arminians were in a large majority, issued an edict of full toleration for both parties, prohibiting also the continuance of the controversy. The Counter-Remonstrants, or Calvinists, refused to submit to this edict.

The great political question which at last arose between the two parties was whether or not there should be a National Synod to settle the creed of the country. The Calvinistic party (Counter-Remonstrants), who by degrees attained the majority of voices in the provinces, and consequently in the States-General, were in favour of a synod. The Remonstrants, or Arminians, were against it, feeling with Barneveldt that the establishment of a religious synod in the country with a Calvinistic majority was virtually to set up a theocratic rule.

The lists were now set for a deadly duel between the two parties, represented by Maurice and Barneveldt. The contest was not equal. The popular mind, already fixed on Calvinism with fanatical firmness, was further attracted to the cause of the Prince by his military fame. The brilliant soldier of the Dutch commonwealth could point to achievements which all could comprehend and admire. The triumphs of the Advocate had been gained, for the multitude, behind the scenes, in able diplomatic papers, in noble speeches and arguments addressed, with closed doors, to small assemblies of colleagues, and in great administrative and diplomatic toils which were unknown to the world at large, and could in no wise strike the popular imagination, if they were known, with the effect of splendid military services rendered to the State. The soldier and the priest, the sword and the cassock, were combined against the statesman. The result could hardly be doubtful. The Stadtholder's party now called calumny to their aid. With marvellous effrontery they represented the Arminians, the supporters of Barneveldt, as secret friends of Spain.

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Maurice himself declared to Carleton, ambassador from James the First of England, "There are two factions in the land, that of Orange and that of Spain; and the two chiefs of the Spanish faction are those political Arminians, Uytenbogaert and Olden Barneveldt." Such was the charge levelled against the venerable statesman who was a chief founder of the country's independence, and had spent his life in opposing the projects of Spain. The majority of the nation adopted this infamous weapon. Poisonous pamphlets poured from the press, and the two words "Spain" and "Orange," "Spanje" and "Oranje," rhyming as they do in Dutch and in no other language, were the faction-cries hurled at each other by the antagonistic parties.

The contest grew daily more bitter, and seemed to portend civil war. The faction-fights of the rival parties near their churches on Sundays grew fiercer, and preachers and magistrates were often glad to escape with a whole skin. At an interview with the Prince, Barneveldt, Grotius, and other speakers pleaded for mutual toleration and harmony, and Grotius vainly strove to convince him that the Arminian

doctrine was not inconsistent with the constitution of the United Provinces. Maurice grew impatient, and, clapping his hand on his rapier, cried, "Enough of orations and arguments! With this good sword I will defend the religion which my father planted in these provinces, and I should like to see the man who is going to prevent me!"

The gauntlet thus thrown down was taken up by the Advocate, and he promptly took measures to foil the purpose of the Prince, at any rate in the States of Holland. In August, 1617, he proposed and carried, after a brief debate, a resolution known afterwards as the "Sharp Resolve," refusing the proposed National Synod, as against the sovereignty and laws of the province of Holland. This was the answer to the Stadtholder's defiance. The great question, as we have seen, was whether there should or should not be a National Synod convoked by the authority of the States-General, to enforce a creed on the whole country, in violation of the Thirteenth Article of the "Union of Utrecht," which secured to each province the regulation of its own religious affairs. It was a conflict for State

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rights against national sovereignty, Barneveldt strongly holding that each State was supreme in reference to its own form of religion.

In order to prevent all deeds of violence against persons and property, the States of Holland authorised the regents of cities, in case of need, to enroll men-at-arms, and the mercenaries called "Waartgelders" were enlisted for the purpose. Maurice was enraged at this step, and finally demanded that the resolution should be rescinded. Barneveldt met this with a firm refusal, and the chief towns of the province of Holland—Leyden, Rotterdam, Gouda, Hoorn, and others—were occupied by the new militia.

The Stadtholder was biding his time for the action on which he had resolved. In September, 1617, having already control of the ports of Amsterdam, Flushing, and Enkhuysen, he seized Brielle. The chief tribunal, the High Council, by a majority of votes, set aside the "Sharp Resolve," and the States-General, in November of the same year, voted that a National Synod should be held in 1618.

There were but four in its favour against three opposing provinces, Holland, Utrecht, and

Overijssel protesting against the vote as an outrageous invasion of the rights of each province, as an act of flagrant tyranny and usurpation.

The foul calumnies against Barneveldt, as being a partisan, creature, and pensioner of Spain, were rife; and Maurice, affecting to believe the charge, was heard to say, "The Advocate is travelling straight to Spain," and to threaten, "I will grind the Advocate and all his party into fine meal." This avowed hostility encouraged the venomous pamphleteers, who, assailing his whole life with slanders, also accused every member of his family of abominable crimes. When proceedings were taken against one of the worst of these libellers—a drunken notary named Danckaerts residing at Amsterdam—the town threw her shield over the vile offender, and defied the writ of the States of Holland. The fact was that some of the richest merchants of Amsterdam had contributed to the cost of publishing the libel. Barneveldt then addressed to Maurice a letter of explanation, couched in manly terms, justifying his own attitude, and enclosing a letter of remonstrance, which he was about to lay before the States of Holland,



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reviewing the chief events of his life. This letter, delivered into the Stadtholder's hands by Barneveldt's son-in-law, Cornelis van der Myle, was treated with gross insolence. No reply was ever sent; but several days later, when Van der Myle was passing, Maurice called to him from the open window, and stated that "he admitted neither the premises nor the conclusion of the Advocate's letter, and that many things set down in it were false." He proceeded to tell a story of a certain old man who, having in his youth invented many things, and told them for truth, believed them, when he came to old age, to be actually true, and was even ready to stake his salvation upon them. He then shut the window and closed the interview.

The matter was to be settled by the soldier Stadtholder in the use of military force. Early in 1618 he took possession of such towns as still supported the cause of Barneveldt. At Nymegen he appeared at the head of a body of troops and in the midst of his lifeguards, surrounded the whole body of magistrates, who were Barneveldtians, in the town-hall, gave them notice to quit, and replaced them by functionaries

of his own selection. Arnheim was similarly treated, and he thus succeeded in bringing five provinces out of the seven to support the meeting of a National Synod. To Amsterdam he was escorted by a fleet of yachts across the Zuyder Zee, and received by a vast gathering of vessels of every class, decked with the Orange colours, and with cheering men clinging like bees to every part of the rigging. From ship and fort a volley of artillery roared out at his approach; the national melody, *Wilhelmus van Nassauwen*, rang through the air; the whole civic militia, some thousands of men, with orange plumes in their hats and orange scarves across their breasts, were drawn up in his honour; the burgomasters in official robes and chains received him on a high platform covered with blue velvet, in front of the stately mediæval town-hall, and delivered many tedious and eulogistic harangues. The whole demonstration ended in a series of gorgeous spectacles and processions. The city of Utrecht then became the place at which both parties—the States-General with Maurice at their head, and the States of Holland with Barneveldt as their champion—strove to establish their influence.

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Both parties sent commissioners thither, the Prince being chairman of the body representing the States-General, and Grotius presiding over the rival assembly. At this ancient and imposing city, forty-one years previously, had been signed the famous "Articles of Union" which had given it the honourable title of *Cunabula Libertatis* (Cradle of Freedom). It was really a dispute concerning the interpretation of those very articles which was now menacing the land with the horrors of civil war. The place was all alive at this time with the joyous hum and confusion of the *Kermes*, or annual fair, while pedlers and merchants from all the cities and provinces displayed their goods—crochery and jewel-work, laces and ribbons, ploughs and harrows, cows and sheep, carriages and horses, cheese and butter, guns and pistols, petticoats and doublets. The town was turned into a vast bazaar, ringing with the sound of bands of music, gay with theatrical displays, raree-shows, mountebanks, and jugglers.

It was on July 25, 1618, that the Stadtholder and his fellow-commissioners entered this scene of merriment and bustle, the Prince saying with a grim smile to the magistrates,

“ You hardly expected such a guest at your fair ! ” His *coup d'état* was prepared, and was soon delivered. Some fruitless conferences were held between the two commissions, and on July 31, at break of day, Maurice occupied with troops the chief square of the town ; cannon were placed to command all the streets ; the “ Waartgelders ”—Barneveldt's militia—were summoned, and compelled to lay down their arms under the Prince's feet. Constitutional rights—charter-books, parchments, the Thirteenth Article of the “ Union of Utrecht,” States' rights, provincial laws, Barneveldt's claims, the orations of Grotius—were thus scorned, trampled under foot, defied, annulled. The chief supporters of Barneveldt at Utrecht, and the commissioners of the States of Holland, including Grotius, fled from the city. Four days later the Prince, having now assumed absolute power, and swept away the old order of things, for the time, by military force, dismissed the old magistracy and appointed a new one, devoted to the Synod, to the States-General, and to himself. The members were also placed in office for life, instead of being changed every year. The cathedral church was

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assigned to the use of the Calvinists, or Counter-Remonstrants; and at length, throughout the two recalcitrant provinces, Utrecht and Holland, the Calvinists had possession of all the churches and posts of authority.

A last effort to reconcile Maurice and Barneveldt was made, at this pass, by Count Louis of Nassau, Stadtholder of Friesland. An interview was arranged, and for the last time the two great chiefs of the commonwealth, the statesman and the soldier, the Advocate and the Prince, met face to face, surveying each other as men, once friends, between whom a great gulf had opened. The interview was, as might have been predicted, wholly without result. Maurice had long planned the destruction of his great rival, the man who, in the darkest hours of the country's fortunes in the struggle with Spain, had stood at the side of Maurice's illustrious sire; the man whose courage had never been found wavering nor his judgment at fault; the man whom Maurice with his own lips had described to the widow of William the Silent as "Not a friend to the House of Nassau, but a father."

The Advocate was not left without warning of his peril. On August 28, while he rested on a porcelain seat in an arbour of his garden at the Hague, Councillor Berkhout, with another friend, reported a rumour of his coming arrest. Barneveldt thanked them for the hint, but paid no more heed to it than he had to much previous advice from his friends that he should seek safety in flight or take refuge in some strong city devoted to his interests. Early on the following day (August 29), Barneveldt was visited by his friend Uytenbogaert, the famous Arminian divine who had drawn up the "Remonstrance," a preacher whom Maurice had once gladly heard. The Advocate was not found, as usual, busy at his writing-desk. He had pushed away his chair from the table littered with papers and books, and sat back deep in thought, his stern, stoical face like that of a lion at bay. His friend reminded him of the countless instances of patriotic statesmen who had received an ill return for priceless services rendered to the State, and soon afterwards took his leave, his mind filled with a foreboding of evil as he pressed the Advocate's hand at parting. Two hours later

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Barneveldt went in his coach to the session of the States of Holland. The place of their assembly, as well as that of the States-General, was within the Binnenhof, or inner court, the large quadrangle enclosing the ancient hall which was once inhabited by the sovereign counts of Holland. As he passed the apartments of Maurice, a chamberlain of the Prince accosted him and said that his Highness desired to speak with him. In the ante-chamber of the hall of audience the Advocate was met by a lieutenant of Maurice's bodyguard, who informed him that his arrest had been ordered in the name of the States-General. An interview with the Prince was demanded and promptly refused. The prisoner was then taken off and locked up in one of the Stadtholder's suite of rooms. On the same afternoon Barneveldt's eldest son William, and his two sons-in-law, Van Huyzen and Van der Myle, had an interview with Maurice, entreating that their aged relative might be kept a prisoner in his own house on bail. The Prince falsely assured them that the arrest was the work of the States-General, and cruelly aroused vain hopes by the statement that "no harm should

come to the prisoner more than to himself." Grotius and Pensionary Hoogerbeets had, about the same time, been quietly arrested in the same fashion, the three statesmen all remaining in ignorance of each other's loss of liberty.

The tidings of the great statesman's arrest caused some excitement at the Hague. His nearest relatives were filled with grief and indignation. Two gentlemen, adherents of Barneveldt, forced their way into the apartments of the Stadtholder and reached the door of the room where the Advocate was confined. Carleton, the English ambassador, states that they were under the influence of wine as well as of anger, and made a great disturbance, loudly demanding Barneveldt's liberation. The Prince came out into the corridor on hearing the tumult, and caused them to be disarmed and put under temporary arrest. Feeling was strongly manifested in France. The statesmen of that country had revived Henry the Fourth's policy of the strict alliance with the Netherlands brought about by Barneveldt, who was honoured and beloved in France. The news of his arrest created much sorrow, and, by instructions from Paris, the



### 32 Historic Parallels to "L'Affaire Dreyfus"

French envoys laboured earnestly for his liberation. In England the contemptible sovereign, James the First, the judicial murderer of Raleigh in order to curry favour with Spain, expressed through his ambassador his malignant satisfaction at the overthrow of a rival who had opposed him in argument on the Arminian controversy.

After a few days Barneveldt was removed to another chamber, where his faithful servant, Jan Franken, was allowed to attend him, with a sentinel always posted at the door. His papers were taken away and he was deprived of all writing materials, while access to his room was denied to all relatives and friends.

An omen of doom came in the fate of Secretary Ledenberg, a citizen of Utrecht, who had been imprisoned by order of the States-General at the same time as Barneveldt. Through fear of torture, and in order to escape confiscation of his property, this hapless man committed suicide, leaving a paper behind him showing the sort of "justice" which he anticipated. "I know that there is an indication to set an example in my person, to confront me with my best friends, to torture me afterwards to convict me

of contradiction and falsehood, as they say, and thus to found an ignominious sentence upon trifles, for this it will be necessary to do in order to justify the arrest and imprisonment. To escape all this I am going to God by the shortest road. Against a dead man there can be pronounced no sentence of confiscation of property." In this last point Ledenberg was grievously mistaken. He had not duly estimated the character of his foes. When his family begged to have his body for decent burial, their request was refused. Seven months later, judgment was given upon him. He was sentenced to be hanged, and his property was declared confiscated. The unburied corpse, in the state of a mummy, was thrust into a coffin, dragged on a hurdle to the place of execution outside the Hague, and there hung on a gibbet along with the bodies of malefactors swinging in chains.

The great Advocate had been imprisoned, as we have seen, on August 29, 1618. His trial did not begin till March 7 in the following year. It had been purposely delayed, in order that the work of the Synod, which met at Dort (Dordrecht) in November following the arrest,

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might approach completion. This famous Synod was attended by Calvinistic deputies from almost every Church of their denomination in Europe. We do not purpose encumbering and defiling these pages with any full account of its odious and fetid proceedings. The spirits of Gomar and of Calvin were triumphant. The doctrines of the "Counter-Remonstrants" were embodied in ninety-three "canons," and three hundred Arminians, chiefly preachers, were expelled from office. Predestination to life and predestination to damnation, according to the decree of the Assembly, had been settled from the beginning of time. A select portion of the Netherlanders and of mankind was to be eternally blessed, and all others were to be eternally damned, and especially the Arminians and the believers in their "Five Points." The Arminians were declared heretics, schismatics, teachers of false doctrines, and incapable of filling any clerical or academical post. No man henceforward was to teach, lecture, or preach, unless he was a subscriber to the infallible Netherland Conference and the infallible Netherland Catechism. The conclusion of the Synod was celebrated by a great festival at Dordrecht, in which the labours

of the pious members and the canons which it established were eulogised in long Latin speeches and prayed for in long Latin prayers. The chief orator did not forget to render thanks to "the most magnanimous King James of Great Britain, through whose godly zeal, fiery sympathy, and truly royal labour, God had so often refreshed the weary Synod in the midst of their toil." Good round terms these—the word "magnanimous" being, to those who know the man, highly refreshing. The words form a fitting pendant to the ridiculous and almost blasphemous terms of address still, with execrable taste, prefixed to our then recently issued "Authorised Version."

We turn to the trial of the innocent victim of Prince Maurice and the States-General. During his seven months' detention a flood of calumny had been let loose against him, such as has hardly a parallel in political history. He was, if possible, to be dishonoured before being destroyed. Every man of those whom Barneveldt had raised to high office, whom he had trained and enriched, fell away from him. The great soldier who had been guided by his counsels and raised to power by his influence told the

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French ambassadors that Barneveldt had been striving to bring back the country under vassalage to Spain, and had spread it about that he, the Prince, sought to make himself master of the State. The Frenchmen insisted upon a regular trial according to the laws of the land—that is, by the High Court of Holland, which alone had jurisdiction in the case. All their appeals were disregarded, and at last Barneveldt was brought to trial before a tribunal of twenty-four commissioners—a mere packed jury which included all his worst enemies. The proceedings against the great Advocate were, from first to last, grossly illegal. His arrest had been a violation of law in the fact that he was a great officer of the States of the province of Holland, under their special protection, on his way to the High Council; while the States-General, under whose order, as was affirmed, he had been seized, were only guests on the soil of that province, and had no jurisdiction there. By no warrant or form of law he was apprehended in time of peace, and "the greatest civil functionary was entrapped, under pretence of a conference, by the first military officer, and by force imprisoned."

Many of the judges were totally ignorant of law or of any language except their mother-tongue, while much of the law which they had to administer was written in Latin. As for the charges against him, there was no bill of indictment, and we can only state that a large part of the accusation was derived from his private and official correspondence, to which no man had access except the judges and the States-General, and which could be falsely coloured and garbled at will. He was accused of having favoured Arminius in spreading new opinions, of opposing the National Synod, of recommending toleration, of suggesting the enlistment of the "Waartgelders," or militia, for the prevention of riots, of receiving presents from foreign potentates, of charging Maurice with aspiring to the sovereignty of the country, of offending the King of Great Britain by soliciting his support of toleration, and, in general, of so acting as to put the provinces in danger of civil war. He was not accused of receiving bribes from the enemy, Spain, or of holding traitorous communication with that Power, or of committing any act of high treason.

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For nearly three weary months the murderous farce went on, and it may be said that the atrocities of the French Revolution show no worse example of the perversion of the spirit and the forms of justice. There was no regular arraignment, no counsel, no witnesses, and no arguments. The whole process consisted of a rambling and tangled mass of interrogations concerning matters extending over forty years, addressed to the prisoner without any order or method. Barneveldt applied for a list in writing of the charges against him, and for pen, ink, and paper to be furnished. Every request was refused, and his own books and papers were taken from him. Alone in his room, the prisoner had to think over his defence and ransack his memory for the long array of historical facts involved.

The Advocate's defence was the recital of his whole life. It is known from the records that he beat his accusers on every point, submitting patiently to the taunts and the ignorant and insolent cross-questioning and noisy interruptions of his judges, and displaying a marvellous tenacity of memory in reconstructing the record of forty

years, and adducing authorities, instances, and illustrations as he expounded the laws of the land. When insidious questions were put to him hinting at corruption, venality, and treacherous correspondence with the enemy, he burst into a storm of wrath, declaring that it seemed impossible to him that any dispassionate man of moderate intelligence could imagine him, whose whole life had been a perpetual offence to Spain, to be in suspicious relations with that Power. "He had, as an advocate in the Supreme Court of Holland, proclaimed the Duke of Alva a tyrant ; and he had sworn obedience to the Prince of Orange as the lawful governor of the land. He had ever striven to promote the reformed religion. He had helped to levy, and had, from his own resources, furnished funds for the national defence in the early days of the revolt. These were things which led directly to Alva's ' Council of Blood ' and the gibbet. He had borne arms himself on various bloody fields, and had been constantly a deputy to the rebel camps. He had been the original mover of the Treaty of Union which was concluded between the provinces at Utrecht. He had been foremost in drawing



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up the declaration of Netherland independence and the abjuration of allegiance to the King of Spain. He had helped to draw up and pass the Act establishing the late Prince of Orange as Stadtholder. He had done his best, after the assassination of the Prince, to secure the sovereign position for his son Maurice. He had been a member of the embassies to France and England, by which invaluable support had been obtained for the struggling provinces." Such were the undeniable statements laid by Barneveldt before his persecutors. Such was the man who had been lawlessly arrested and arraigned.

The public generally believed that the prisoner would be acquitted of the graver charges, or, at the worst, displaced from office and put into permanent political disgrace. The more discerning saw an omen of evil for the Advocate in a proclamation, by the States-General, of a public fast and humiliation for April 17, 1619. In this document it was announced that "Church and State, during several years past having been brought into great danger of utter destruction through certain persons in furtherance of their ambitious designs, had been saved by the convo-

cation of a National Synod, and that a lawful sentence was soon to be expected on those who had been disturbing the commonwealth." The French envoy, Du Maurier, though he had been already officially informed by the States that they were wearied of his perpetual appeals, intercessions, and sermons in behalf of mercy, obtained a hearing before the Assembly on May 1, and made a powerful and manly speech in presence of the Prince, urging that the prisoner ought to be discharged unless he could be convicted of treason, and that the States ought to show as much deference to his sovereign (Louis the Thirteenth) as they had always shown to Elizabeth of England. His words, concluding with a personal appeal to Maurice, fell on deaf ears. It seems probable, however, that if the friends or relatives of the Advocate had been willing to implore pardon for him (*i.e.* to assume his guilt), his sentence would have been commuted or cancelled. Count William of Nassau and the Princess Dowager Louise, widow of "William the Silent," urged Barneveldt's children to apply to the States for pardon, but they steadfastly refused to do so. "They would not move one step in it—no, not

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if it cost him his head." They, like the Advocate himself, viewed such a step as an admission of his guilt, and their Dutch stoicism and pride sustained them in their resolve. They knew that his enemies would prefer the loss of his honour even to the sacrifice of his life. The proceedings against Barneveldt—for "trial" they cannot be called, without indictment, testimony, or argument for the prosecution or the defence—remained consistently infamous to the end.

He was convicted and condemned on his own defence, which was styled his "confession," and was formally registered as such in the process and the sentence. This latter, beginning with "Whereas the prisoner, John of Barneveldt, without being put to the torture, and without fetters of iron, hath confessed," etc., had a long series of vague, tangled generalities, amounting in all to something far short of treason to the State, with which his prosecutors had never dared to charge him. As Motley says, "Of insinuation and implication there was much, of assertion very little, of demonstration nothing whatever." There was nothing vague about the concluding words: "The judges, in the name of

the Lords States-General, condemn the prisoner to be taken to the Binnenhof, there to be executed with the sword, that death may follow, and they declare all his property confiscated."

The last day on which the victim had appeared before his judges was May 1. He had been subject to examination about sixty times. On May 12 the sentence was communicated to him, and heard rather with astonishment than horror. He had expected to be heard again in his defence, and was at the moment engaged in drawing up notes. "Let them see how they will answer it before God!" he cried. "Are they thus to deal with a true patriot? Let me have pen, ink, and paper, that for the last time I may write farewell to my wife."

On the next morning Barneveldt displayed his usual stoicism. To a clergyman who came to offer consolation he said: "I am a man, have come to my present age, and I know how to console myself. I must write, and have now other things to do." He then indited a short, pathetic letter to his wife and children, whom he had not been allowed to see since the beginning of the trial, and was not even now permitted to

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embrace for the last time. On the next morning, May 13, 1619, at half-past nine, after a wakeful night, the condemned statesman was brought forth to die.

His treatment was, to the last, harsh and cruel. The final appeal of his wife and children to the judges, on the evening of May 12, for a parting interview, was not mentioned to Barneveldt; and when he was asked if he desired to see them, he declined on the plea that it would cause him too great emotion. The execution, like the trial, was devoid of all due form and solemnity. The scaffold was a shapeless mass of rough, unhewn planks, hastily nailed together. A heap of sand was piled on the spot where he was to be beheaded, and beside this lay his coffin—a coarse, dirty box of rough boards, originally prepared for a murderer who had been reprieved on the eve of execution—"not this man, but Barabbas!" To complete the hideous scene, two common ruffians of soldiers sat on the coffin playing dice, and betting whether God or the devil should have the soul of the doomed man.

Leaning on his staff, the august and venerable statesman stepped out on the scaffold from a

window in the house of his imprisonment. As he saw the thousands of wolfish eyes of the crowd waiting to see him die, he raised his eyes to heaven, murmuring, "O God, what does man come to!" and then, in bitterness of heart, he cried, "This, then, is the reward of forty years' service to the States!" After a few minutes of prayer, as he knelt on the bare planks with a minister beside him, he was partially undressed by his valet. Then, turning to the crowd, he declared that he died a true patriot. A minute later his head was severed from his body with one blow from a two-handed sword, and corpse and head were at once huddled into the box beside him. He was in the seventy-second year of his age. No more innocent victim of injustice had died, after a mockery styled a "trial," since the day when the sun was darkened and the veil of the Temple rent in twain from the top to the bottom during the scene on Calvary!





TITUS OATES DD.  
*the first discoverer of the Popish Plott.*





## CHAPTER II

### THE CATHOLIC VICTIMS OF TITUS OATES

1678—1681

The Stuart Period of British History—Religious Bigotry under Charles the Second—Prejudice against Roman Catholics—Excuses for It—Views of Tillotson and Locke—Special Causes for Alarm about “Popery”—Titus Oates—His Appearance, Character, and Early Career—Dr. Tonge, his Share in the “Plot”—Oates among the Jesuits—His Expulsion from two Colleges—First Idea of the “Plot”—His Return to London—Tonge and he in Coalition—First Denunciation of the “Plot” to the Authorities—Oates’ Lying Assertions—Draws up the First “Narrative”—Charles the Second approached on the Matter—Tonge, the King, and the Earl of Danby—Incredulity of Charles—The “Narrative” Expanded—A Mysterious Packet of Letters—Shown to be Forgeries—Oates Perseveres—His “Affidavit” before Sir Edmondbury Godfrey—The Duke of York, Charles, and Danby on the “Plot”—Oates before the Council—His Astounding Statements—Wakeman, the Queen’s Physician, Accused—Oates again before the Council—Some of his Statements exposed by Charles—Jesuit Papers seized contain no Trace of a Plot—Coleman, Secretary to the Duchess of York, Accused—Seizure of his Papers—Indiscreet Remarks Therein—His Arrest and Committal—The Murder or Suicide of Sir Edmondbury Godfrey—Panic in London—Verdict of Murder—The Public Burial—Arrest of Countless “Papists”

—Meeting of Parliament—Excitement in the Houses—The “Plot” fully adopted There—Proceedings against Roman Catholics—A Clear Road made for Oates—Becomes the Hero of the Day—His Examination before the Commons—His New Statements—Arrest of Roman Catholic Lords and Committal to the Tower—Alarm spreads through the Country—Another Witness wanted for Prosecution—Appearance of William Bedloe—His Character—His Depositions concerning the Death of Godfrey—Manifest Lies and Contradictions in his Statements—His Continual “Refreshings” of Memory—The Jealousy of Oates aroused by Bedloe—Oates accuses the Queen as Privy to Plot for murdering Charles—Exposure of his Falsehood by the King—Bedloe comes forward with another Story against the Queen—The Charge treated with Contempt—Trials of Accused Catholics—No Chance for them from the First—General Delusion of Public Mind—The Alleged Jesuit Meeting in the Strand—Chief Justice Scroggs—His Character, Conduct as Judge—Trial and Condemnation of Stayley, Catholic Banker—His Accuser Carstairs—His Character—Stayley Executed—Oates and Bedloe to the Front—Trial and Condemnation of Coleman on their Testimony—Three Jesuits hanged on their Evidence—Bedloe finds at last a Second Witness as to Godfrey’s Murder—The Silversmith Prance—His Statement, Confession, Retracting, and Re-statement—On his Evidence and Bedloe’s Three Persons executed as Murderers of Godfrey—A Lull in the Storm against Catholics—The New Parliament (1679) reaffirms Existence of the “Horrid Plot”—Many New Arrests—Five Persons Arraigned, Scroggs on the Bench—A New Witness, Dugdale, Appears—His Character—Oates, Bedloe, Prance, and Dugdale’s Desperate Swearing—Scroggs against the Prisoners—Trial of Langhorne, Catholic Lawyer—He and the Five Condemned—Sentenced to Death by Jeffreys, then Recorder of London, and Executed—The Constancy and Persistent Denial of Victims not without Effect on Public Mind—Scroggs begins

to Waver—Trial of Wakeman and three Monks—Oates and Bedloe “posed” in Court—The Prisoners not Condemned, but Remanded—Payments to the Informers against Catholics—The Fanatical Protestants—Further Executions—The Catholic Lords in the Tower—Parliament in 1680—Wicked Behaviour of Charles the Second—Lord Stafford alone Tried—His Impeachment by the Commons before the Lords in Westminster Hall—Striking Scene—Public Feeling Shown—Dugdale as Witness—Oates and Turberville—Character of Dugdale and Turberville—Their Absurd Statements—Lord Stafford’s Defence—Oates’s New Perjuries—Turberville exposed by the Accused—Stafford’s Condemnation and Execution—Show of Public Sympathy—His Demeanour on the Scaffold—The Atrocious Condemnation of Plunket, Catholic Archbishop of Armagh—End of the Prosecutions—End of Bedloe and Carstairs—Subsequent Career of Oates and Dangerfield.

## CHAPTER II

### THE CATHOLIC VICTIMS OF TITUS OATES

1678—1681

THE Stuart period is at once that of greatest glory and greatest shame in British annals. It was then that our constitutional freedom was established ; then also our judicial records were sullied by their worst crimes. During the last years of that age, prior to the coming of William of Orange, religious bigotry, fanned for private ends by unscrupulous statesmen and a wicked king, brought to pass some of the foulest judicial murders known in modern history. As the reign of Charles the Second drew to its close, society in England was, as regarded political and religious matters, in a highly combustible state. The dread of "Popery" was the inextinguishable spark in the temper of the people which the slightest breath might raise into a flame. The

extreme antipathy and fear with which the people regarded the Roman Catholic religion was, in truth, a ruling passion of the community, a hatred as strong in the ignorant and profane as in those who were Protestants from conviction. In the previous century, the cruelties of Mary's reign and the conspiracies against Elizabeth had been the work of Roman Catholics. At the beginning of the current century the Gunpowder Plot had left in the minds of the vulgar a deep and bitter feeling, which was kept up by annual commemorations, prayers, bonfires, and processions. The classes most strongly attached to the throne—the clergy and the landed gentry—had peculiar reasons for regarding the Church of Rome with aversion. The clergy trembled for their benefices, the landed gentry for their lands and great tithes. With the instructed and reflecting part of the community, there was a strong conviction that the Roman Catholic, where the interests of his religion were concerned, would disregard the ordinary rules of morality. In that age there was assuredly some show of reason for such an opinion. It could not be denied that Roman Catholic casuists of great eminence

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had defended the use of equivocation, of mental reservation, of perjury, and even of assassination. Evil actions had attended evil opinion. Vicious theory had led to vicious practice. Apart from crimes committed on English soil, the massacre of Saint Bartholomew's Day, the murder of the first William of Orange, the murder of Henry the Third of France, had been planned, instigated, and effected by Roman Catholics in the interests of their Church. The letters of Everard Digby, hanged for his share in the Gunpowder Plot—letters written in lemon juice from the Tower to his wife—had been recently published. He was a scholar and a gentleman, upright in all ordinary dealings, strongly impressed with a sense of duty to God, and yet, on the brink of eternity, he had declared that it was to him incomprehensible how any Roman Catholic should see anything sinful in a design for blowing up King, Lords, and Commons. The inference popularly drawn from these things was that, whatever the general character of a Papist might be, he was capable of any crime for the safety and honour of his Church. The nation was thus in a condition to believe anything alleged against their

Roman Catholic fellow-subjects. The intolerance of the age is amply proved by the temper, towards Roman Catholics, of two of the most tolerant and excellent Englishmen then living. The benignant Tillotson, then Dean, and afterwards Archbishop, of Canterbury, told the House of Commons from the pulpit that it was their duty to make effectual provisions against the propagation of a religion more mischievous than irreligion itself, a religion which demanded from its followers services directly opposed to the first principles of morality. He declared that, in his judgment, Pagans who had never heard the name of Christ, and who were guided only by the light of nature, were more trustworthy members of civil society than men who had been trained in the schools of the Popish casuists. The admirable John Locke, in the famous treatise in which he strove to show that even the worst forms of idolatry ought not to be prohibited under penal sanctions, contended that the Church which taught men not to keep faith with heretics had no claim to toleration. We are to consider, in this connection, when we are making some excuse for our bigoted ancestors of Charles the



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Second's reign, that the rank and file of society was not composed of Tillotsons and Lockes. The facts of the time were such as to create special alarm.

The Duke of York, brother of the King, and heir-apparent of the crown, was an avowed and bigoted Papist ; Charles himself was strongly, and, as it proved, justly, suspected of adherence to the same form of religion. The Duke of York had taken as his second wife the Princess Mary of Modena, a Roman Catholic. If there should be sons of this marriage, there was reason to fear that they might be bred Roman Catholics, and that a long succession of princes hostile to the established faith might sit on the English throne. The constitution had recently been violated in order to protect Papists from the penal laws. Louis the Fourteenth of France, the English King's close ally, his patron, and paymaster, who had long controlled English policy, was a persecutor of the reformed Churches. The common people seriously feared a return of the times of "Bloody Mary."

The combustible matter was thus all prepared. The spark came from a man named Titus Oates.

This man enjoys the distinction of having been one of the greatest scoundrels not only of his own age, but of all historical time. His personal appearance was not favourable. His forehead, low as that of a baboon, his purple cheeks, his monstrous length of chin, were the chief hideous features of a visage on which, in Macaulay's words, villainy seemed to be written by the hand of God. His neck was short, his gait ungainly, on legs uneven, as the vulgar said, as those of a badger. His intonation was loathsome to all tasteful ears as he exclaimed, "Laard, laard!" in the utterance of surprise, or prated of "the ploat" in his revelations. This wretch, born about 1650, was the son of a Norwich ribbon-weaver, from whom he seems to have inherited a facility for change in his religious creed. The father, an Anabaptist preacher under Cromwell, became at the Restoration, when the Anglican Church was again in the ascendant, rector of All Saints', Hastings, where his son was baptised in 1660. Oakham and Merchant Taylors' Schools; Caius and St. John's Colleges, Cambridge, had the honour of educating him, and in due

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course the young man took holy orders in the Church. After holding several curacies and a naval chaplaincy, from all which offices he was expelled for infamous practices, he was casting about for a means of living when he fell in with a fervid Protestant, Dr. Ezrael Tonge (otherwise "Tongue" and "Teonge"), who had been Fellow of University College, Oxford, and at this time held the united livings of St. Mary Stayning and St. Michael, Wood Street, in the city of London. He was the translator, from the French of "the doctors of the Sorbonne," of a work entitled, "The Moral Practice of the Jesuits Demonstrated," etc., his version being published in London in 1670.

In 1677, with a view to getting information for the purpose of concocting the "narrative of a horrid plot," Oates made a pretended conversion to Catholicism, was admitted into the Society of Jesus, and became, in succession, "Brother Ambrose" in the seminary of the English Jesuits at Valladolid and the College of St. Omer. In those institutions he heard much wild talk about the best means of bringing England back to "the true Church." Within

a few months he was expelled from both for gross misconduct, and forthwith became once more a Protestant. From the hints which he caught up among the Jesuits, Oates, having a natural taste for perjury and already some practice therein, and being endowed with a lively imagination, constructed, as Macaulay says, "a hideous romance, resembling rather the dream of a sick man than any transaction which ever took place in the real world." In June, 1678, he returned to London, and communicated to the authorities his pretended plot, the main features of which were a rising of the Catholics, a general massacre of Protestants, the assassination of King Charles the Second, the burning of London, and the invasion of Ireland by a French army. John Evelyn, of the famous *Diary*, saw Oates at Whitehall, and writes, under date October 1, 1678, "He seem'd to be a bold man, and in my thoughts furiously indiscreete; but every body believ'd what he said."

Oates was at first a mere instrument of Dr. Tonge, to whom, in his houseless and penniless condition, he had applied for relief: hence his pretended conversion to the Catholic faith, in

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order to worm himself into the more secret councils of the Jesuits. The information which he had contrived to gather from the reports current among his fellow-students at St. Omer was scanty and uncertain, the chief element being the bare fact that several Jesuits had, in April, 1678, held a private meeting in London. On this slight foundation the associates Tonge and Oates erected their huge edifice of malicious fiction. The meeting was really the usual triennial congregation of the Order. It was represented by the conspirators as an extraordinary gathering for a particular purpose. It was really composed of the provincial and the thirty-nine eldest members. Oates brought into it almost every Jesuit with whose name he was acquainted. The meeting had been held with much secrecy, and with great imprudence, at the Duke of York's palace at St. James's. It was alleged by Oates to have taken place at a tavern in the Strand, the former tenants of which could no longer be found. The real object of the meeting was the appointment of a treasurer and the settlement of the internal business of the Society of Jesus. Oates described it as a consultation on

the best means of assassinating the King and of subverting by force the Protestant religion. This fable was supported by a vast mass of invented "evidence" as to the conveyance of treasonable letters, the subscription of moneys, the distribution of offices, and the raising of a military force. This "narrative" was then communicated, under a promise of secrecy, to a man named Kirkby, who had been occasionally employed in the royal laboratory, and was thus personally known to Charles. The King's popularity with the people of London mainly rested on his pleasant manners as he strolled in St. James's Park with his spaniels, feeding the ducks, and returning the salutes, with sometimes a cheery word, of his subjects of all conditions. The matter was at last ripe for disclosure, and on August 13, as Charles was preparing to walk in the Park, Kirkby approached, and in a low tone warned him to keep well among his attendants, for his life was in danger. The King gave no sign of alarm in his looks or demeanour, but desired his informant to present himself for a private interview that evening. Tonge then attended with a copy of the "narrative," drawn up in forty-three articles. Charles

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at once referred him to the Lord Treasurer, the Earl of Danby. The informer replied to his inquiries that the original narrative had been thrust under his chamber door ; that he did not know the author, but had a clue to his discovery, and that he would endeavour to learn the place of abode of the two men who had undertaken to slay the King, or would point them out as they walked abroad in the park. The first reception of the startling " narrative " was cold, and various additions, by way of confirmation, were made. The King treated the story with utter disbelief, and laughed at Danby for paying any heed to it. When the minister sought leave to lay the matter before the Council, Charles hastily refused, on the ground that needless alarm would be created, and that it would only suggest his assassination to some person who would never have thought of it. Danby had insisted on seeing some of the numerous papers mentioned in the " narrative." At last he was told that a packet containing treasonable letters would on a certain day reach the post-office, addressed to Bedingfield, confessor to the Duke of York. The Lord Treasurer thereupon hastened to Windsor, and found the

King already possessed of the letters. Bedingfield had received them, and, fully believing them to be forgeries, had given them to the Duke of York. A careful examination of these documents showed that one was written by the same person who had penned the "narrative" presented to Charles by Dr. Tonge. The other four, in a feigned hand, were evidently written by one person. All showed manifest signs of imposture in the same lack of punctuation, the same peculiarities of language and spelling, and the same ignorance of the real names of the supposed writers and their friends, though they purported to be written by five different persons of good education, some dating from London, others from St. Omer.

Never was a more clumsy fraud perpetrated. The Attorney-General, Sir William Jones, before whom the letters, along with other documents, were laid on October 16, found, as he reported, "many objections against the truth of the letters"; and they were, in consequence, not put in by the Crown lawyers at the subsequent trials of Catholics. The Attorney-General, however, not only did not allow the prisoners the benefit



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of such objections, but asserted again and again to the court that whoever doubted of the existence of the plot must be an enemy to the King and the religion of his country. Soon after the transmission of these letters, Oates and Tonge, under pretence of concealment and security, went to the lodgings of Kirkby at Vauxhall. This man, who was a mere dupe and tool in the affair, resorted on several occasions to the court, but was honoured with no notice from the King, who had no belief in the alleged plot.

Oates, when the Council seemed to be treating with contempt himself and his revelations, adopted a new course, being resolved to force the grand discovery on public attention. He accordingly made *affidavit*, or swore to a written statement as truth, first of the original "narrative" of forty-three articles, and then to the enlarged and improved farrago of lies, in eighty-one articles, before an eminent London magistrate. This was Sir Edmondbury (otherwise Sir Edmund Berry) Godfrey, a zealous Protestant, who was, however, on friendly terms with the Catholic Coleman, secretary to the Duchess of York. Finding this man's name on the list of alleged plotters,

Godfrey made the matter known to him, and Coleman at once revealed it to the Duke of York. James was fully persuaded that the Protestants, the vast majority of the nation, would make use of this affair in endeavouring to exclude him from his succession to the throne, and had repeatedly urged the King to bring the matter before the Council and have strict inquiry made. There was one thing to which Charles was devotedly attached—his own ease. He shrewdly conjectured that infinite trouble would ensue from the revelation. He did not foresee that his own cleverness, backed by unscrupulous management, would enable him to turn the “plot” to his own political advantage. Danby, the Lord Treasurer (virtually leading minister at that day), was now also urgent for concealment ; but the Duke suspected him of a design to suppress the affair until the meeting of Parliament, and then bring the “plot” forward in order to divert attention from a threatened impeachment of himself for dealings with France and other matters into which it is here needless to enter. Charles at last reluctantly consented to order Tonge to produce Oates before the Privy Council.

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At the appointed time the informer appeared in a new suit of clothes, obtained for his entrance on his glorious career, wearing also a clerical gown. Many of his hearers were at first led astray by the astounding effrontery with which he detailed his budget of lies. He stated, first, that the order of the Jesuits had formed the plan of re-establishing the Catholic faith in Great Britain by rebellion and bloodshed. Secondly, that Ireland was to be a scene of insurrection and of the massacre of Protestants; that in Scotland Jesuits disguised as Cameronian ministers were even now opposing the establishment of (Anglican) episcopacy; that in Holland another party was to raise the adherents of France against the Prince of Orange; and that in England, particularly, a fourth contingent plotted to slay the King, and also his brother the Duke of York, if the latter did not fall in with their plans. Thirdly, that ample resources in money were ready, seeing that they had one hundred thousand pounds banked; that they yearly received sixty thousand pounds in rents; and that they had obtained from "Leshee" (so the "narrative" spelt the name of the famous

Père Lachaise, a Jesuit of mild, simple, honourable character, who was for thirty-three years confessor to Louis the Fourteenth of France) a gift of ten thousand pounds, and the promise of a like sum from De Corduba, the "Provincial" of the Order of Jesus in New Castile. Fourthly, that in March last a man known as "honest William" and a lay-brother of the Order, named Pickering, had been entrusted with the task of shooting the King at Windsor, and that, having failed to fulfil their contract, the first had, for his negligence, been severely reprimanded, and the second had been punished with twenty lashes on his bare back. Fifthly, that on April 24 a grand "consult," or meeting of Jesuits from all quarters, had been held at the White Horse Tavern in the Strand, to settle measures for assassinating the King; that three sets of assassins were provided—*viz.* "honest William" and Pickering, who were to be afforded a chance of redeeming their characters; two Benedictine monks named Anderton and Coniers; and four Irishmen of names unknown; that, to make assurance doubly sure, Wakeman, the Queen's physician, had been offered the sum of fifteen thousand pounds to

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poison the King. (The informer professed ignorance as to Wakeman's answer, but he had heard that his assent was given, and had since that time often seen him in the company of Jesuits.) Sixthly, that he had arrived at his knowledge of the plot in the following way: his feigned conversion to Catholicism had gained the confidence of the superiors in the Order of Jesus, and they had sent him with letters to the Jesuits at Valladolid. These letters, on his way thither, he had opened and read at Burgos. From Valladolid he had been despatched to Madrid; had thence returned, by way of Valladolid, to England; had been sent back to St. Omer, had accompanied the fathers from St. Omer to the grand "consult," had again gone with them to St. Omer, and returned with new instructions to England. On all these occasions he had, he affirmed, had such trust reposed in his honesty and good faith that he was always informed by his employers of the contents of the papers which he carried. Seventhly, that, since his return to England, he had learned that the Jesuits were the authors of the great fire in London in 1666, and had used seven

hundred fireballs to spread the conflagration ; and that, in order to meet their expenses, they had carried off, in the confusion of the time, one thousand carats of diamonds, and thus made a clear profit of fourteen thousand pounds ; that, encouraged by this good stroke of business, they had set fire to Southwark in 1676, and had there made two thousand pounds above their expenditure ; and that they were now settling a plan for the burning of Westminster, Wapping, and the shipping in the river. Eighthly, that the Pope (Innocent the Eleventh) had in a recent " bull " appointed certain persons to all the bishoprics and other dignities in the Anglican Church, being well assured that the murder of Charles would forthwith place the Catholic religion in its former ascendancy. The informer concluded with the statement that he had already made oath to the truth of this information, " in the whole and every particular thereof," before Sir Edmondbury Godfrey. On this astounding series of statements we need only here remark that the informer understood fairly well the art of " lying with a circumstance."

As Oates read his lengthy and startling

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"narrative," the members of the Council exchanged looks of astonishment at his "facts" and at his cool delivery of the same. The matters detailed were incredible in themselves ; the means by which they had come to the informer's knowledge were utterly without probability. By his own confession he was most basely dishonest in his methods of arriving at the knowledge of the plot. The Duke of York at once denounced the "information" as a most shameless imposture. Others contended that no man, not insane, could present a story so portentous, unless he had proofs in its support, and that, with many elements of fiction, there might be a foundation of fact : in short, that it was the duty of the sovereign's advisers to sift out the truth from the falsehood by strict inquiry. Oates was thereupon asked to produce documents as evidence for his statements. He had, as he asserted, been entrusted on divers occasions with many treasonable letters. His only object, as he averred, had been to detect and defeat the conspiracy. He must surely have obtained some of the papers as evidence against the plotters ! The informer confessed that he had no documents then and

there, but he promised to produce many such if he were supplied with warrants and officers to arrest inculpatcd persons and seize their papers. The Council gave assent to this course, and the matter ended for that day.

On the following morning the inquiry was resumed. Charles himself was present. When objections were made against the authenticity of the Windsor letters above described, Oates, with some ingenuity, replied that the practice of the Jesuits was displayed in the seeming mistakes and discrepancies ; they wrote in feigned hands, and purposely committed errors in spelling. If the letters were intercepted or discovered, the writers and their accomplices could thus allege forgery. The King then devised a trap for the informer. Oates, according to his "narrative," had been introduced at Madrid to Don Juan of Austria. With an artless air, as if actuated by mere curiosity about a distinguished foreigner, Charles inquired "what manner of man Don Juan was?" Oates replied without hesitation that he was a tall, spare, and swarthy man. The King then turned to his brother and smiled. They had both met Don Juan on the Continent, and



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knew him to be low of stature and fair of complexion. "And where," asked the King, "did you see Lachaise pay down the ten thousand pounds?" With equal readiness the villain answered, "In the house of the Jesuits, close to the Louvre." Aghast at his effrontery, Charles exclaimed, "Man! the Jesuits have no house within a mile of the Louvre!" The informer was thus proved, for the King and the Council, to be a liar on whose word or oath no reliance could be placed.

It remained to be seen whether any of his numerous allegations could be supported by the papers which, under his direction, had been seized by the officers of the Crown. Those of Harcourt, the "Provincial" of the Jesuits, consisted of a great number of letters, a cipher-code, books of account, and the proceedings of the congregation which Oates had denounced. There was not in them all the least trace of any treasonable plot.

The informer was more lucky in another haul. Coleman, secretary to the Duchess of York, was the son of a Suffolk clergyman, and had become a Catholic. He had abilities of which he was very vain. His mode of life was costly, and he

was very ambitious of ranking as a person of consideration. In order to get relief from his pecuniary troubles he tried, in vain, to obtain money from Louis the Fourteenth by offering his services to Père Lachaise in the promotion of the Catholic cause in England. With the London goldsmiths or bankers he had more success. At the end of 1671, when war with Holland was in prospect, the Exchequer was indebted to these men for an advance of one million three hundred thousand pounds, with interest at 12 per cent., to be paid, along with the principal, as the taxes came in. The King and the "Cabal" ministry, in order to have funds for the war, informed the creditors that the principal would be withheld, that the interest was reduced by one half, and that all payments were suspended for the space of one year. As a matter of fact, the interest was not paid for many years. This measure, known as the "shutting of the Exchequer," produced a panic in the city. Many great houses broke, and private families fell into extreme distress. Coleman obtained the sum of three thousand five hundred pounds from some of the bankers thus

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robbed by the State, through his promise of procuring for them, by his interest at Court and with the ministers, some kind of parliamentary security for their moneys. He drew funds from three successive French ambassadors by supplying, on terms arranged, daily information of the proceedings in Parliament, and during the last session he had received from Barillon, the actual ambassador of Louis, two thousand five hundred pounds for the purpose of aiding the French cause in both Houses. He was a busy, restless intriguer in various directions, and, in spite of many rebukes from the Duke of York, he persisted in his profitable course, inviting Whig members to his table during the parliamentary session, and supplying "news-letters" weekly to the supporters of the "Country," or patriotic cause, with severe remarks on the ambition of Louis and the measures of the English government. He had been already once accused before the Council, but he had faced and silenced the informer. When his papers were seized he sought aid from the Duke of York. James advised him to seek a hiding-place if he had written or received anything illegal or even

suspicious ; if not, he had better appear, without formal summons, before the Council, as the best proof of his innocence. The advice was well meant, but was fatal to the man who acted upon it. Coleman became one of the first victims of the perjuries of Oates and the prejudices of the nation. It is asserted, with strong probability, that he had received a hint of what was coming, and had destroyed the greater part of his papers. Among those which remained there were found in a drawer copies of Coleman's correspondence with foreign Catholics during the years 1675 and 1676. The Council chiefly noticed a proposal from him to Père Lachaise that Louis should furnish the sum of twenty thousand pounds, to be used in the interest both of France and of the Catholic Church. There was no visible connection between this proposal and Oates's "plot." The purposes of Coleman and his friends were specified in the letter as being the restoration of the Duke of York to his post of Lord High Admiral and the establishment of liberty of conscience. These objects could be attained, of course, through parliamentary action, and were in no wise treasonable. Among the strong and indiscreet

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expressions used by Coleman were, however, an assurance that "success would give the greatest blow to the Protestant religion that it had received since its birth"; that "they had a mighty work on their hands—the conversion of three kingdoms, and the utter subduing of a pestilent heresy which had so long domineered over great part of the northern world."

We, at this day, can see nothing very alarming, and, assuredly, not the least treasonable matter, in such words as these. We must, in order to estimate their effect upon the public mind in 1678, consider the Protestant feelings of the time, as previously described, towards the Catholics. The bigoted and alarmed Protestants of that age suspected that treason lurked beneath the words quoted. The "mighty work" might mean the commencement of the plot denounced by Oates. If the papers passed over as unimportant by Coleman and left for seizure contained suspicious matter, some great mystery of iniquity must have been contained in the documents which had been destroyed. Coleman was committed to prison, and there found most of the persons named in Oates's deposition.

In this posture of affairs, alarm was heightened into panic by a tragical and sinister occurrence, one of the most mysterious murders, if murder it was, known in our history. On October 17, after he had been missing for some days, the corpse of Sir Edmondbury Godfrey was found. It lay among some stunted bushes in a dry ditch on Primrose Hill, then a desolate spot on the north-west of London. The body rested on the knees, breast, and left side of the face. A short sword had been thrust with such violence through the heart that the point protruded some inches beyond the back. On the bank his cane was fixed upright ; his gloves lay near it on the grass ; his rings were on his fingers, his money in his purse. When the body was undressed, a deep purple crease appeared round the neck, a sign of strangulation. It was clear that he had not been slain by robbers. He might have been killed by a private enemy. There were some facts in favour of the theory of suicide. Godfrey had inherited a melancholy temperament from his father, who died by his own hand. After the arrest of his friend Coleman he was observed to be much depressed

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barricading the great thoroughfares. Patrols marched up and down the streets. Cannon were planted round Whitehall. No citizen thought himself safe unless he carried under his coat a small flail, the 'Protestant flail,' loaded with lead to brain the Popish assassins."

At this time, when the public frenzy was at its height, Parliament met. We purposely leave aside the political use made of the events of the day by Shaftesbury and other leading men, and note only what strictly concerns Oates's famous "plot" and its deplorable results. The King, in his speech to the Houses, only alluded incidentally to the plot, stating his intention of leaving the guilt or innocence of the accused to the investigation of the ordinary courts of law. Parliament, however, influenced by political intriguers, paid no heed to the King's wishes. The "narratives" of Oates were heard by both Houses. Guards were placed in the cellars to prevent any attempt at blowing up the members. A proclamation was wrung from the King to the effect that all Catholics who were not householders should quit London, and he was exhorted to be careful that his meals were

prepared only by orthodox cooks. Committees were appointed to follow the "plot" through all its mazes. Before a week had elapsed a bill was passed for excluding Roman Catholics from both Houses. They were thus put under disabilities which existed for a century and a half, until the passing of the Catholic Emancipation Act in 1829. The Commons likewise passed a resolution, afterwards ratified by the Lords, to the effect "that there had been and still was a damnable and hellish plot, contrived and carried on by the Popish recusants, for assassinating the King, subverting the Government, and rooting out the Protestant religion."

Oates had now a clear course before him. He was the hero of the day. He received a pension of twelve hundred pounds a year, with lodgings in Whitehall, and a special body-guard. At his examination before the House of Commons he made a very important addition to his previous testimony. He declared that Oliva, the "General" of the Jesuits, had, by authority from the Pope, already made appointments to all the great offices of State and to the chief commands in the army, both in England and Ireland, and that many of



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the patents of appointment had been seen by him or passed through his hands. Lords Arundel, Belasyse, and Petre, the Earl of Powis, Coleman, and others, were named as the men thus appointed. The Commons paid no heed to the fact that several of these men were incapable, from their age, or their character, or infirmity, of discharging the duties of the employments assigned to them, and, sending for the Lord Chief Justice, instructed him to issue warrants for the apprehension of all the persons named by Oates in his information. The Earl of Powis, Viscount Stafford, Lords Petre, Arundel, and Belasyse—to become famous as "the Catholic Lords" of this period of our history—were sent as prisoners to the Tower, without any interference from their fellow-peers in defence of the privileges of their House. In a short time the prisons in the metropolis contained two thousand suspected traitors, the houses of the Catholics were searched for arms, and all Papists who refused to take the oaths of allegiance and supremacy, amounting to nearly thirty thousand, were compelled to withdraw ten miles from Whitehall. From London alarm spread into

the most distant parts of the country. The order for disarming Catholics was everywhere enforced ; lists, with their names, ages, and occupations, were delivered by the officers of each parish to the magistrates, and all Catholics were compelled either to take the oaths or to give security for their good behaviour.

The patrons of the "plot" were eager to have its credit supported by some testimony additional to that of Oates. On interrogation at the bar of the Commons, or before the committee of the Lords, all the accused Catholics had protested their innocence of all knowledge of any of the matters charged against themselves or any of their number. They paid no heed to offers of pardon and reward if they would confess and turn "approvers" against their fellows. Weeks had passed away, and no prosecution had been instituted, because the law required the concurrent testimony of two witnesses to establish the guilt of the accused. The difficulty was at last surmounted. A royal proclamation had been issued promising pardon, reward, and protection to the discoverer of the assassins of Sir Edmondbury Godfrey, if he were

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an accomplice. In a few days a letter of singular character was received by the authorities in London, dated from the town of Newbury, in Berkshire. It requested that the writer, William Bedloe, might be arrested at Bristol, and brought to London. The Council forthwith sent the writer a warrant for his own apprehension, with instructions to deliver it to the Mayor of Bristol. The man was accordingly arrested in the open street, and it was reported both there and in London that the prisoner was able to unfold the mystery surrounding the death of Godfrey.

Bedloe was one whose character was no wise better than that of Oates. After being employed in the stables and then in the household of Lord Belasyse, one of the Catholic lords then incarcerated at the Tower, he travelled on the Continent as courier in the service of various gentlemen. Having thus become possessed of knowledge of the names and residences of many persons of good position in society, he started on a new career as a swindler and blackmailer, and raised money by different kinds of artifice and fraud. He had suffered imprisonment and other punishments in several countries for his

swindling transactions. In Normandy he had undergone sentence of death for a robbery, and he had only just been discharged from confinement in Newgate when the royal proclamation tempted him by its offer of a reward of five hundred pounds. His first deposition, taken before the King and the two secretaries of State, declared upon oath that he knew nothing of the plot, but had heard from a Jesuit named Le Fevre that Godfrey had been stifled between two pillows by Le Fevre himself, helped by another Jesuit named Walsh, by Lord Belasyse's "gentleman," and by an attendant in the Queen's chapel, and that the body had been removed to the spot where it was found, on a dark night, by three persons unknown to him, but servants at Somerset House, where he, Bedloe, had seen the corpse. He made the same statement on the following morning before the House of Lords. He denied all knowledge of Oates, but stated, contrary to his testimony of the previous day, that he had heard from Le Fevre and Walsh of the commissions given by Oliva, the "General" of the Jesuits, to the Earl of Powis and Lord Belasyse. The King thereupon cried, "Surely the man has

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received a new lesson during the last twenty-four hours ! ”

At further depositions the memory of the new informer showed signs of continual refreshment. In the beginning of October he had (so he swore) been offered four thousand pounds to commit a murder. Godfrey had been inveigled into the court of Somerset House about five in the evening of October 12. He was not stifled with pillows, Bedloe now averred, (having been reminded that this story was opposed to the fact of the mark on the neck and to the verdict found in the coroner's court), but strangled with a linen cravat. The body, he said, was placed in a room which he pointed out to the Duke of Monmouth, and there he saw standing round it the four murderers and Atkins, a clerk to Mr. Pepys, of the Admiralty. It was removed about eleven of the clock (in a former deposition he had sworn to nine o'clock) on the Monday night. There were two fatal flaws for the perjured informer in this account. The time which he had chosen for the murder happened to be the very hour when the King was at Somerset House on a visit to the Queen, who

resided there ; the perpetration of the crime there at that hour was rendered impossible by the presence of a company of the Guards and of sentries stationed at every door. Bedloe had pointed out as the place of concealment for the body, prior to its removal to Primrose Hill, a room used by the Queen's footmen, who were in waiting there throughout the day. It is needless to dwell upon his successive "reminiscences," whereto he was prompted, behind the scenes, by Oates or by others as wicked and shameless. It came to this at last, that the man who, at the outset, knew nothing of the "plot," had become acquainted during his Continental travels with English monks, friars, Jesuits, clergymen, and nuns, who were all full of the great coming blow to the Protestant religion. Ten thousand men were to land at Bridlington, in Yorkshire, and be under the command of Lord Belasyse ; an army of twenty or thirty thousand friars and pilgrims was to sail from Corunna to Milford Haven, and join the Catholics of Wales under Lords Powis and Petre ; the King, the Dukes of Monmouth, Ormond and Buckingham, the Earl of Shaftesbury, and Lord Ossory were to be

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murdered by persons whose names were stated ; the soldiers in London were to be killed by assassins posted at the door of every ale-house ; the citizens were to be massacred by a body of forty thousand men secretly organised, all Papists or Protestants in Papist pay ; and every Catholic in England of any good position knew all about the "plot," and was sworn on the sacrament to aid it and to keep it secret. It seems incredible, but it is true, that the depositions of Bedloe were regarded in the public mind as confirming those of Oates.

The great original impostor, the immortal Titus Oates, would not be outstripped in the contest for the Perjurer's Stakes. At an interview with Charles he had the audacity to assail the Queen herself. In the tale which he unfolded, and afterwards affirmed on oath before Secretary Coventry, and repeated in two examinations before the Privy Council, Oates declared that in July he saw a letter in which it was affirmed by Wakeman, the Queen's physician, that she had been brought to give her assent to the murder of Charles ; that one day in August he went with several Jesuits to Somerset

House, and was left in the ante-chamber when they were admitted to the Queen's presence. The door was ajar, and he heard a female voice exclaim, "I will no longer suffer such indignities! I am content to join in procuring his death, and the propagation of the Catholic faith." Shortly afterwards the Jesuits retired; Oates looked into the room and saw there no other woman than the Queen. It is almost needless to point out that Oates had solemnly sworn in previous depositions that he knew of no other persons concerned in the plot to murder the King than those he had named, nor had he named the traitorous letter in his charge against Wakeman.

The King was again instrumental in exposing the perjurer. He bade the Earls of Ossory and Bridgewater to take Oates to Somerset House, and desire him to point out the chamber and ante-chamber in question. After being taken into every quarter of the palace, he was compelled to admit his inability to identify the rooms. Bedloe, following in confirmation of Oates, had been rendered cautious by his mistake as to the room at Somerset House where



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Godfrey's body, according to him, had been deposited, and declared that he had heard the Queen at last consent to the King's murder, as she was in consultation with two French priests, in presence of Coleman, of Lord Belasyse, and some Jesuits in the gallery of the chapel, while he, Bedloe, was unseen on the floor below. As regards the Queen, we need only state that the charge against her was treated with contempt by the King and by a large majority of both Houses.

We come at last to the actual trials of the men arraigned on the depositions which have been set forth. From the first, until blood unjustly shed had slaked the public thirst for vengeance, and new objects of interest filled the public mind, these hapless Catholics had no chance of justice. Delusion reigned supreme, and only the boldest dared to raised a voice on behalf of reason, justice, and humanity. The King, having no belief whatever in the "plot," and always speaking of it in private with contempt, dared not use his prerogative of mercy to save the lives of the condemned. The victims had no legal advisers and no other knowledge

than what they could gather from their previous examinations. In the evening they received notice of trial, and were placed at the bar the next morning. The point on which the imposture chiefly turned was the traitorous "consult" or meeting which Oates alleged to have been held at the White Horse Tavern in the Strand on April 25, 1678, and at which he claimed to have been present. The accused persons could not, in order to prove that no such meeting was held, appeal to the testimony of the landlord, who was dead. His widow and former servants had disappeared, probably by the contrivance of Tonge and Oates, when the House of Lords ordered inquiry to be made of the people at the tavern. The prisoners entered the court condemned beforehand by the preconceived opinions of the judge, the jury, and the audience. The Chief Justice was Sir William Scroggs, a man of inferior legal acquirements, profligate in life, and of brutal character. Throughout he acted rather as a prosecutor than as a judge. The informers were treated kindly, with explanations suggested to them when they were at a loss, and contradictions excused in case of

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need. Imputations, well founded, as we know, on their characters were repelled. The prisoners met with frequent interruption and insult. Their witnesses were browbeaten by the judge, and hooted and hustled by the spectators. The condemnation of the accused was received usually with shouts of joy, rather encouraged than repressed from the judicial bench.

In November, 1678, the trials began with the prosecution of Stayley, a Catholic banker. His accuser was a man named Carstairs, a Scottish adventurer, who had earned a livelihood in his native land by a method similar in principle to that adopted in *Oliver Twist* by the ingenuous Noah Claypole. He used to go in disguise to conventicles, and then inform against the preachers. Stayley, sitting in a Covent Garden tavern, was conversing in French on the topics of the day with a native of Marseilles named Firmin. Carstairs came in with a companion and pretended to listen to their talk. The next morning he called on Stayley, and offered to suppress his knowledge of the "treason" uttered if he received two hundred pounds. The banker of course laughed at so insolent a demand. He had better

have paid the money and taken a receipt. In a few minutes he was arrested. In five days he was tried for his life.

The conversation in the tavern was on the subject of the Catholics charged with a design to murder the King. The matter in dispute at the trial between the accuser and the accused was whether Stayley had said that he was ready to kill *him* or *them*—that is, whether he used the French article *le* or *les*. Firmin, who might have decided the matter, was carefully kept in custody by the prosecution, and not discharged until four months after Stayley had been condemned and executed at Tyburn.

We need scarcely, as a comment on this foul judicial crime, point out the absurdity of supposing that a man in Stayley's position would select a tavern, where he was within hearing of guests and waiters, as the place for expressing an intention of slaying the King.

The first victim of the perjuries of Oates and Bedloe was Coleman. An address from the House of Commons had led the King to promise a full pardon to the prisoner if he made a satisfactory confession ; otherwise, the law must

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take its course. On being visited in Newgate by the committee of the House, Coleman gave them the cipher to his correspondence, and explained to them the pecuniary transactions with the French ambassadors and others, but stoutly denied all knowledge of the alleged "plot." At his trial, not denying that some of his expressions were imprudent and wrongful, he contended that his objects had been simply to procure money and to bring about toleration for Catholic worship. He had never, he averred, seen either of his accusers before he was arrested, and both of them had committed perjury in their testimony, Bedloe by swearing that he had taken a letter from Coleman to Lachaise in April, 1675, whereas it was plain from the documents in court that no correspondence had been opened between himself and Louis' confessor before September in that year; Oates by deposing on oath to numerous interviews with him, though before the Council the informer was unacquainted with his person, and showed ignorance of the very transactions which he afterwards swore to have taken place between himself and the accused man. To this Oates replied, in an embarrassed fashion, that

his eyes were so dazzled by the lights on the Council table that he could not see Coleman clearly, and his mind was so overpowered with fatigue that his memory failed him. Coleman was convicted, and died on the scaffold, protesting his innocence with his last breath.

Three Jesuits named Ireland, Grove, and Pickering were the next persons tried ; and on the evidence of Oates and Bedloe they were convicted and hanged, protesting on the scaffold, as they had declared at the bar, that until their apprehension they had never heard of the "plot" and never so much as thought of the treason for which they were suffering.

So far, Bedloe had played a secondary part to Oates. When the alleged murderers of Sir Edmondbury Godfrey were arraigned, he claimed the credit and reward of an original informer. He was, however, obliged to spend two months in finding a second witness to support his testimony. A man named Prance, a silversmith in London, who had sometimes had the Queen as a customer, was apprehended on some trifling charge. Bedloe, getting sight of this man, cried, "That is one of the

murderers!" The silversmith was carried off to Newgate, and there, by threats and promises, he was led to confess his own guilt and to accuse three servants at Somerset House—Hill and Green, Papists, and Berry, a Protestant—as his accomplices. Like Oates and Bedloe, Prance had been taken to Somerset House, and he had failed to find the room in which, as the story alleged, the body of Godfrey had been placed. Prance was a very weak as well as a wicked man. After his confession he felt remorse, and, being brought at his own request a second time before the King and Council, he fell on his knees and declared, with the strongest signs and expressions of repentance and of horror at his past conduct, that all his confession was false, and that he knew nothing of the murder and the murderers. The prosecutors attributed this change to the arts of the Jesuits; and Prance, again confined in Newgate, was chained to the floor in the "condemned" cell. He was sometimes nearly insane from suffering and terror, and in this condition he was led, by the spiritual advice of Dr. Lloyd, dean of Bangor, who visited him in his cell, and by the worldly counsel of Boyce, the Governor of

Newgate, to confess again, adding many strange matters to his previous disclosures. Dr. Lloyd then declined all further interference, and Boyce aided Prance in drawing up a "narrative" concerning "the manner and circumstances of Godfrey's murder," etc. The infamous nature of the trial of Godfrey's pretended murderers is shown by the facts that the depositions of Bedloe and Prance, as the prosecution knew, contradicted each other in almost every circumstance of time, place, and action, and that the prisoners, kept in ignorance of this, were left helpless at the bar. All were convicted. All died at Tyburn with fervid assertions of innocence.

A suspension of proceedings against the Roman Catholics then occurred in consequence of a general election and of the impeachment of Danby, the chief minister. The new Parliament, meeting early in 1679, again declared in both Houses the existence of the "horrid and treasonable conspiracy," and Catholics all over the kingdom were harassed by informations and arrests, and by summonses to take the oaths of allegiance and supremacy or to give security for good behaviour. Every priest whom the officers of the law could



discover was arrested and committed to take his trial for high treason, and the public mind was kept in continual ferment. In June, 1679, two Jesuits, named Whitbread and Fenwick, were indicted with three others. The arraignment of the two former was itself grossly illegal. They had been placed at the bar with Ireland, Grove, and Pickering, but, from some blunder, Bedloe's evidence was not made by him to affect Whitbread and Fenwick, and Oates's positive testimony against them was not sufficient. They ought to have been at once acquitted, but the Chief Justice, Scroggs, ordered them to be removed, and they had been, contrary to law, kept in prison. Their companions in adversity on the trial were named Harcourt, Gavan, and Turner, and all five were assailed by a body of formidable witnesses, Oates, Bedloe, Prance, and Dugdale. This last, formerly steward to Lord Aston, had been dismissed from his service, and then sought a livelihood as an informer concerning the "plot." Oates kept chiefly to his former story. Bedloe's imagination revelled in new disclosures. Prance, after indulgent treatment in prison, was "to the fore" with a revived memory. Dugdale was

supposed to have ready much secret and valuable information gained during his service with Lord Aston. The defence of the prisoners rested mainly on the worthless character of their accusers, especially Oates and Bedloe. Oates had now, they showed, given testimony at variance with his previous depositions before the Council and Parliament and with his evidence at former trials. The judges replied that they had not those depositions before them, that the prisoners might have indicted Oates for perjury, and that, not having done so, they must now take the consequence of their neglect. Bedloe must have perjured himself at the former trial of Whitbread and Fenwick, when he swore to having no knowledge of their conduct, but the judges now accepted his plea that his prevarication at the former trial was necessary to the success of other proceedings which he was carrying on against Catholics.

Some desperate cross-swearing took place on this occasion. Oates had deposed that on April 24, 1678, he had been with the accused at their treasonable "consult" or meeting in London. In answer to this, the prisoners produced

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sixteen students from the college at St. Omer, who deposed that on that very day they dined with him in the same room at the college, and that from January to June, 1678, he was never absent from the college more than twenty-four hours. To meet this formidable attack Oates provided six witnesses, who swore that in the month of May they had at different times seen him in London, "or some one like him or who bore his name." A modern judge would, on this, have at once ordered an acquittal. Counsel for the Crown, however, urged that when evidence was contradictory more credit was due to Protestants on oath than to Papists, men wont to get dispensations for falsehood.

In another point Oates was found out at this trial. He had given the names of three persons in whose company he crossed the Channel when he came to England from St. Omer. Of these three persons one declared in court that he never saw Oates during the voyage. The servants of the other two swore that their respective masters had not been a day absent from their places of abode on the Continent during the months of April and May, 1678. The Chief Justice, as usual,

summed up against the prisoners, and the jury at once returned a verdict of "guilty."

On the next evening came the trial of an eminent Catholic lawyer, Langhorne. His case was one peculiarly hard. Committed to Newgate without any previous examination before a magistrate or the Council, kept in solitary confinement and ignorant of every passing event until the week preceding his trial, he was handed over, bound for the slaughter, to the Court, called upon to plead for his life without any other knowledge of the charges against him than what he could hastily gather from the printed accounts and the reports of his friends. When he appeared at the bar, he was greeted with hooting and hisses from the crowd; his witnesses were beaten and intimidated. The court overruled his objections to the credibility of the informers and his remarks on the discrepancies in their testimony, and the verdict of "guilty" was received with loud and repeated cheers. The other five were then placed at his side, and Jeffreys, then Recorder of London,—the man destined to win lasting infamy from which modern "whitewashers" have in vain striven to purge his memory,—pronounced

sentence amid the acclamations of the spectators. The five died at Tyburn on June 20. The Jesuits were the first who suffered. They were already tied up to the gallows, awaiting instant death, when their ears caught the cry of "A pardon, a pardon!" A horseman at full speed arrived, and handed to the sheriff a paper which proved to be a pardon on condition that "they should acknowledge the conspiracy and state what they knew thereof." Thanking the King, they replied that they were unable to fulfil the condition stated, since they could not disclose that of which they had no knowledge. They then met their fate with the utmost composure. Langhorne, tempted by a similar offer, remained firm, and he died, like the others, asserting his entire ignorance of the conspiracy. We should state that the lawyer, during the time afforded by a reprieve, had been offered a pardon on condition of confessing himself guilty, and also of making known the property of the Jesuits, with the particulars of which he had become acquainted in his professional capacity. He was weak enough to assent to the latter proposal, and, his books being restored to him for the

purpose, he made a report, which was forwarded to the King, disclosing an amount under thirty thousand pounds. At a personal interview the Earl of Shaftesbury informed him that what he had made known was not enough to redeem his life; he must also make known the particulars of the "plot," in return for any reward which he chose to ask. There were four other Jesuits who escaped the hangman's attentions. Three, named Mico, Nevil, and Bedingfield, died in prison; the fourth, Jenison, succumbed to injuries due to the violence of the officers who arrested him.

The constancy and general demeanour of the victims had not been without effect upon the public mind. Even the most prejudiced persons were beginning to feel pity and disgust at the executions of men who maintained their innocence to the last. In July four other prisoners, Sir George Wakeman, the Queen's physician, and three Benedictine monks named Corker, Marshall, and Rumby, received notice of trial. They came to the bar under more favourable circumstances than the previous prisoners. Even Scroggs, the Chief Justice, was feeling compunction for what

had occurred. Afterwards charged by Oates and Bedloe, before the Council, with having said at Monmouth Assizes "that he did believe in his conscience that Richard Langhorne, whom he condemned, died wrongfully," Scroggs replied that he was more unsatisfied about Mr. Langhorne's case than all the rest, being credibly informed that part of Bedloe's evidence concerning the prisoner's writing in his presence could not possibly be true.

The credit of the "plot" had been shaken by the testimony of the witnesses from St. Omer in the previous trial of the Jesuits Whitbread and Fenwick. The Chief Justice entered the court with a resolve to hold the balance fairly between the accused men and the informers. To the delight of impartial spectators, Oates and Bedloe found themselves in a "fix." It was they who now had to prove their case, and, instead of being accusers glibly running through their evidence, they were forced to assume the position of men defending themselves against imputations of perjury. On Oates, the unabashed, lay the chief burden in the new position of affairs. His anger occasionally drove

him to use passionate and irreverent language ; but he kept up his part with a stout bearing, and was ingenious in adapting his evidence to the objections made. He was, however, at last confronted by a formidable opponent. After he had gone through his course of accusations against Wakeman on the charge of a design to poison the King, Sir Philip Lloyd, Clerk of the Council, came forward and deposed that, when the Lord Chancellor asked Oates if he knew anything personally of the Queen's physician, he lifted his hands to heaven and declared that he did not. The perjurer had that very morning charged Wakeman before the Council with several overt acts of treason, committed, he averred, in his own presence. This was a fatal blow. Oates, pretending sudden illness, asked leave to withdraw, and, after a trial lasting for nine hours, the jury acquitted all the prisoners.

This result was a great embarrassment to the patrons of the "plot," who were making preparations for the trial of the Catholic lords in the Tower. Oates and Bedloe vented their spite against the Chief Justice, charging him with partiality for the prisoners, vowing that they would never more



give evidence in any court in which he presided, spreading reports that he had been bribed by the prisoners' friends, and having the effrontery to make charges against him, as above shown, before the Council. The supporters of Oates and Bedloe were also fearful lest the acquitted men should indict them for perjury. Wakeman was therefore induced, by threats of further prosecution, to go abroad, and the three monks were sent to Newgate under a fresh charge of high treason for having received orders in the Church of Rome.

Such was the administration of British "justice" in the worst period of the Stuart times. Oates and Bedloe still remained in comfortable quarters, receiving handsome payments, along with Dugdale, another of their tribe. The records show sums paid to these men, under the heads of "free gift and royal bounty," "for diet," for "expenses about the 'plot,'" for "maintaining witnesses in town about the 'plot,'" for "a further discovery of the 'plot,'" for "expenses in prosecuting," for "discovering a Jesuit," for "journeys," "discovering Papists harboured in Court," "lodgings in Whitehall,"—the items extending over a period from March, 1679, to March, 1683. A careful

analysis of about a hundred and twenty entries of payment to Oates, Bedloe, Tonge, and Dugdale, as they appear in the accounts of moneys paid for "secret services," shows that up to September, 1681, Oates received £1660 8s. 10d.; Bedloe, to July, 1680, £804; Tonge, who died in January, 1681, received £344, with £50 for his funeral; Dugdale, who continued drawing the wages of iniquity to March, 1683, received £1138 15s.

The fanatical persecutors of the Catholics were not yet sated. Large rewards were offered by proclamation for the discovery of any Papist within any of the royal residences, or of money or lands belonging to any priest, chapel, college, or religious order, or of any priest or Jesuit. The magistrates received authority to visit and search the Palace of St. James's at any time, and that of Somerset House, whenever the Queen should be absent. The judges were empowered to reward at their discretion the prosecutors of Popish recusants out of the forfeitures of the sufferers. Catholics who refused to take the oath of allegiance and supremacy—that is, the people styled "recusants"—paid fines of twenty

pounds per month for absence from church, or forfeited two-thirds of their estates to the King. Twenty-four priests received sentence of death for the exercise of their office. Most of them, after condemnation, were sent to London to undergo a private examination before the Earl of Shaftesbury, attended by Oates, Bedloe, and Dugdale. They were proof against threats and promises, admitting no knowledge of the supposed conspiracy, and declining to give any aid to the informers. At the demand of the House of Commons, some of whose members cried aloud for their blood, and after the presentation of an address to the King, begging for their immediate execution, the Council left the majority to their fate. The victims were remanded to their former prisons, some being reprieved, and the rest executed at Chester, Cardiff, Usk, York, Ruthin, Worcester, and Hereford.

At last the time arrived for dealing with the Catholic lords in the Tower. When Parliament was opened in October, 1680, the King, in his address, said, "In order to give the fullest satisfaction your hearts can wish for the security of the Protestant religion, I do recommend to

you to pursue the further examination of the 'plot' with a strict and impartial inquiry. I do not think myself safe, nor you neither, till that matter be gone through with, and therefore it will be necessary that the lords in the Tower be brought to their speedy trial, that justice may be done."

The mendacity of an unscrupulous sovereign is here strikingly displayed. We have already seen Charles's opinion of the "plot," and we know, from the records of the time, that in his private conversation of the period when he thus addressed Parliament he expressed the utmost contempt of the witnesses, "proving to a demonstration," as Reresby informs us, "that many articles they had given in evidence were not only improbable, but quite impossible." The anti-Papist party had been, as we have shown, discredited by the acquittal of Catholics, and they felt that their credit was at stake. A conviction was sorely wanted. The lords in the Tower, after a long, rigorous, and illegal confinement, whereas they ought, under the *Habeas Corpus* Act, to have been liberated on bail, demanded a trial. The Commons selected Lord Stafford, who, from his

age and infirmities, appeared least capable of a powerful defence. He was impeached and brought to trial before his Peers on November 30, his sixty-ninth birthday.

The scene of the proceedings was Westminster Hall, fitted up after the fashion adopted in the previous reign during the trial of Lord Strafford. The interior presented an exact resemblance to the House of Lords. The Commons sat on ascending rows of benches on each side. The managers of the prosecution, the witnesses, and the accused were stationed near the bar, in face of the Lord High Steward, the president of the court. On the right of that high official the King with his attendants, on the left the Queen with her ladies, occupied private boxes. A spacious gallery above them contained the foreign ambassadors and other privileged spectators. Finch, the Chancellor, acted as Lord High Steward; the "managers" for the Commons were Maynard, engaged in like manner forty years before at Lord Strafford's trial, with Winnington, Jones, Treby, Powle, and Trevor, the most distinguished lawyers in the House. It was a remarkable fact that the father of the accused peer had presided at Strafford's trial.

Lord Stafford was exposed throughout to insults which would have daunted the boldest man. Each day, as he proceeded to the hall or returned to the Tower, he was surrounded by crowds of miscreants, who made the air resound with yells and curses. He vainly complained to the court of this treatment, urging that his feelings were wounded and his thoughts disturbed. On the second day the appearance of the hostile witness, Dugdale, was hailed with a cheer of congratulation from the members of both Houses, who provoked an indignant remonstrance from the president. "For the honour and dignity of public justice," he exclaimed, "let us not carry it as if we were in a theatre!"

The counsel for the prisoner, who attended to argue in case of need on points of law, were captiously forbidden by the prosecutors, eager as they were for a conviction, to stand within a certain distance of their client, lest they might, by sign or whisper, suggest any remark or question serviceable for the defence. When the case for the prosecution was closed, and the accused man begged for a day to prepare his defence, urging his fatigue, his infirmities, and

his want of sleep, as also the precedent of a like indulgence in Lord Strafford's case, his request was sternly refused by the "managers." The Lord High Steward had suggested a day's respite as just and reasonable, but the Lords, fearful of offending the Commons, confirmed the refusal. Under these circumstances the venerable nobleman stood at the bar to plead against the informers, politicians, and zealots who thirsted for his blood.

The first day was mainly taken up by the "managers" of the impeachment in attempting to establish the existence of the "plot." They dwelt at great length on matter with which we are already familiar—the pernicious doctrines of the Church of Rome, the persecution under Queen Mary, Gunpowder Plot, the massacre of the French Huguenots, and the rising in Ireland in the previous reign. For the hundredth time men were assured that Papists had burned London in 1666, destroyed the ships at Chatham during the Dutch war, and caused all subsequent fires in the metropolis. They dwelt on all the intended horrors depicted by the admirable Oates and his associates, and pointed to the murder

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of Godfrey, the correspondence of Coleman, the convictions of Langhorne and the Jesuits. They flung menaces against all who should presume to defame the King's witnesses or affirm the innocence of the lords in the Tower. They called on the Peers to display their love of truth and their zeal for the Protestant cause. Having thus prepared the minds of the audience for the exercise of a strict impartiality, they assumed finally the mantle of prophets, and roundly asserted that if justice were only done in this case, Popery would be for ever banished from England.

The chief witnesses against Lord Stafford were three—Dugdale, Oates, and Turberville. Oates we know ; and a few words must now be given to introduce Dugdale and Turberville. Of the former little appears to be known apart from this trial, where his evidence was manifestly perjured ; and from his deathbed scene some years later, where he appeared to have been driven mad, it was reported, by the Furies of an evil conscience, and with loud shrieks implored those who stood around to take away Lord Stafford. Turberville was a younger son



of a Catholic family in Glamorganshire. Finding himself reduced to poverty, he conformed to the Established Church, and claimed the reward promised to informers.

These witnesses deposed to the incredible, or morally impossible, things with which we are already acquainted, asserting that the Pope, the cardinals, and the Jesuits had for several years made their design of assassinating Charles a subject of common discourse and sermons in Italy, and detailing the usual stuff about Popish risings and massacres of Protestants. Lord Stafford, who defended himself with unexpected ability, though not without mistakes which no able counsel would have made, simply replied to this kind of testimony that no part of it in any way applied to him. On the second day the assailants came to closer quarters. Dugdale swore that Lord Stafford, at a "consult" or meeting at Tixall (a village some miles east of Stafford), had given his consent to the King's death; that on a subsequent Sunday, coming from Stafford to Tixall to hear mass, he met the witness and told him that the Catholic worship would soon be established in England; and that on

September 20 or 21, sending for the witness to his chamber, he offered him five hundred pounds if he would undertake to assassinate the King. When he was pressed to name the time of the "consult," the witness was on his guard, and would state nothing more definite than that it was held "about the end of August or the beginning of September, 1678." Oates stepped next into the perjurers' lists. He professed to have seen many letters in which Lord Stafford had expressed his adhesion to the "plot," and swore that he saw Fenwick, the Jesuit, deliver into the prisoner's hands a patent from the general of the Order, appointing the English peer paymaster to the Catholic army. Turberville declared that he had been three weeks in Paris with Lord Stafford, who earnestly begged him to murder the King. His deposition closed the case for the prosecution, and the prisoner was called upon for his defence. Stafford stated his abhorrence of the doctrines put forward as those of his Church; declared that his past life bore witness to his loyalty, and that his conduct on the first mention of the "plot" proved his innocence. If he had accepted the traitorous

commission from the Jesuits, and had suborned others to murder the King, would he not have fled or concealed himself? Yet seven days afterwards he came publicly to London, and attended his duty in Parliament until the day of his arrest. Two commissioners from the House of Lords had come to him in the Tower with the promise of a full pardon if he would confess what he knew of the conspiracy. Could it be conceived that, with knowledge of the fate of other men who had been convicted, he would have refused the offer had he been conscious of guilt?

On the following morning, when a day's respite, to prepare his defence, had been, as we have seen, cruelly refused, he met boldly the various charges against him. He showed that Dugdale knew nothing of the pretended "consult" at Tixall when he made his original deposition on oath in December, 1678. It was seven months later, at the trial of Sir George Wakeman, that he first made mention of the meeting. Then he had fixed it in the month of August, now he tried to transfer it to the beginning of September. Lord Stafford, as was

clearly proved, spent the month of August in Bath, and did not reach Tixall until September 12, too late to attend a meeting there "about the end of August or the beginning of September." As to the offer of money, on September 20 or 21, to slay the King, Dugdale had made no mention of that in his original information. In reply to Oates, the prisoner pointed to his character, as shown by his own testimony concerning his hypocritical dealings with the Jesuits abroad, and to most serious discrepancies in his testimony. Turberville's evidence was met by the prisoner's solemn assertion that he was a perfect stranger to the witness's person and name; by the testimony of the two servants who attended him in Paris that they never saw Turberville in their master's house; by Turberville's own acknowledgment that he did not know the servant, nor could he describe the house or the rooms or their furniture; and by the depositions of various persons, that Turberville, after he had become a Protestant, repeatedly asserted that he knew nothing about the "plot."

Three of the "managers" were heard in reply. They insisted that the evidence against

the prisoner was clear and conclusive. They dwelt on some minor discrepancies in his statements and those of his witnesses. They took little notice of the manifest perjuries of their own witnesses, and made no comment whatever on the glaring inconsistency between the testimony of Oates and Dugdale in court and their original "informations."

On the seventh day the Lords assembled again in Westminster Hall, and a majority of voices, fifty-five to thirty-one, pronounced Lord Stafford "guilty." The prisoner was introduced, and heard the result with evident surprise; but he mastered himself so as to say, "God's holy name be praised! I confess I am surprised at it; but God's will be done—and your Lordships'. I will not murmur at it. God forgive those who have sworn falsely against me!" The Commons in a body, headed by the Speaker, demanded judgment, and the Lord High Steward sentenced the prisoner to suffer the usual punishment of traitors.

In his last words in court the condemned man stated that he forgave those who had wronged him, and requested permission to see his wife,

children, and friends. This was granted ; and the King, at the request of the House of Lords, remitted every part of the punishment except the beheading, thus sparing that part of the sentence which the most brutal could not look upon without disgust.

In accordance with his sentence William Howard, Viscount Stafford, condemned on December 7, was executed on the 29th. He went to death with a steady step and a cheerful countenance. The severity of the weather induced him to ask for a cloak, lest he should tremble through cold and be supposed to show fear. A few yells and groans were heard as he appeared ; but many of the people treated him with respect and uncovered their heads. From the scaffold he delivered a long speech in a firm voice, asserting his innocence in the strongest terms. He declared, on his salvation, that he had never in his life spoken to either Oates or Turberville, and not more than twice or thrice to Dugdale, and always on trifling matters, in the presence of witnesses. Then, falling on his knees, he uttered a prayer aloud, rose, and once more protested his innocence. The spectators answered

him with cries of, "We believe you, my lord ! God bless you, my lord !" Having embraced his friends, he knelt down and stretched himself on the block. The executioner poised his axe in the air, as if he were taking aim ; then, suddenly checking himself, brought it down again to his feet. Lord Stafford, raising his head, asked the cause of the delay, and was told that the executioner waited for a sign. "Take your own time," he replied ; "I shall make no sign." "Do you forgive me, sir ?" was asked. "I do," came the reply. Then at one stroke his head was severed from his body.

We pass from the scaffold to the palace, and observe the demeanour of the King. While the subject's blood was about to be shed upon evidence which his sovereign fully believed to be that of false witnesses, Charles had none of the qualms which his father felt when he consented to the death of the great earl who cried, "Put not your trust in princes !" No one put any trust in the second Charles. Himself a Papist, he saw the Papist noble hunted to death without a sign of feeling for his fate. "On December 24," says Reresby in his *Memoirs*,

"I was at the King's *couches*. His Majesty was in a very good humour, and took up some time in displaying to us the fallacy and emptiness of those who pretend to a fuller measure of sanctity than their neighbours, and pronounced them to be, for the most part, abominable hypocrites and the most arrant knaves. . . . He seemed to be quite free from care and trouble."

We return for a moment to the murdered Stafford. In James the Second's brief reign a bill was passed by the Peers for reversing his attainder. It was interrupted in the Commons by more urgent matters ; and it was not until the reign of George the Fourth that by a special statute the attainder was annulled and the descendants of Lord Stafford restored to the honours of their house.

The last victim sacrificed to the imposture of the Popish "plot" was Oliver Plunket, titular Catholic Archbishop of Armagh. No infamy of the reign of Charles the Second is greater than this. The innocence of the prelate was believed in even by his persecutors ; but he was sacrificed by the Court, that the popular suspicion as to the Popish tendencies of the King might be removed by an ostentatious shedding of a Papist's



blood. The loyalty of Plunket had been attested by four successive chief governors of Ireland. He had been arrested and imprisoned on the usual charge of having received orders in the Church of Rome, when the promise of reward to informers induced some of the "King's witnesses," as they were called, to select him as a chief conspirator in a pretended Irish plot.

Before dealing with his case, we may refer to that of another Irish prelate, as illustrating the gross and heartless ingratitude, or the sheer selfish cowardice, or both combined, of Charles the Second. Peter Talbot, Catholic Archbishop of Dublin, had rendered important services to the King and the Duke of York during the period of their exile, when the Commonwealth government was in power. In 1673 he had gone to France, when a proclamation was issued for the banishment of Catholic priests, and he had been recommended by Charles and James to the favour of Louis the Fourteenth. After his return to Ireland he was arrested, when he was in a weak state of health, at his brother's house in the county of Kildare, and in September, 1678, he was committed by the Council to Newgate Prison

in Dublin. Talbot was several times examined with reference to the Irish portion of Oates's "plot." Nothing whatever was shown to involve him in any treasonable affair; but the King, afraid to show him any favour or sympathy, allowed his benefactor to linger for over two years in prison, where he died in 1681.

The accusers of Plunket did not dare to face him in their own country, where his character was well known and highly esteemed. When the case came on for trial it appeared that they had departed for England. According to law, as no prosecutors appeared, Plunket should have been forthwith discharged, but he was sent over to England to meet his assailants there. When he was arraigned, the Chief Justice allowed a space of five weeks for the defendant to procure evidence from Ireland. His messenger was detained by contrary winds. His witnesses were delayed by the difficulty of obtaining passports. The officials in Dublin refused to furnish copies of any document without an order from the Council in London. The only guiltless agency in these transactions was the wind.

The murderous purpose of the human causes

of this delay is beyond doubt. The result was that Plunket's means of defence did not reach the English coast until three days after his condemnation. At the mock trial of the hapless prelate the informers deposed that he had been raised to the dignity of Catholic Primate of Ireland for the purpose of preparing a way for the invasion of that country from France ; that he had made a survey of the coast, and chosen Carlingford harbour as a suitable spot for the landing of the French army ; that he had gathered large sums of money, and had ordered a muster of all Catholics capable of bearing arms, thereby organising a force of seventy thousand men to join the invaders, massacre the Protestants, and establish the Catholic worship.

Plunket replied that surely this was a most wonderful case, for, if he had confessed himself guilty of these offences in his own country, an Irish jury must have acquitted him, deeming him to be insane, since their own knowledge would have assured them that the charges could not possibly be true. He had, however, been brought away from the land where his own character, that of his accusers, and the state of his country were

known, to be tried before men whose ignorance of these matters rendered them incapable of judging of his innocence or guilt. If his witnesses from Ireland had arrived they could have clearly shown that his accusers were men of no credit, being apostate friars, whom he had punished for their immoral conduct, and convicted felons. This aid for his cause, this means of deliverance, was still on the road. As matters stood he opposed to his accusers' oaths a solemn assertion of his innocence, and the absurdity of supposing that he had been able to gather sufficient money for the support of an army, when it was matter of common knowledge that for his own subsistence he could never raise an income of seventy pounds a year. The jury found him guilty ; and when the Earl of Essex, who had been Lord-Lieutenant of Ireland, solicited his pardon, declaring from his own knowledge that the charges against him could not possibly be true, the King indignantly replied, " Then, my lord, be his blood on your own conscience. You might have saved him if you would. I cannot pardon him, because I dare not." The Archbishop accordingly died on the scaffold.

Before we quit these atrocious scenes of bigotry, cruelty, and foul injustice, these dark blots on the pages of British history, it will be interesting and instructive, or at the least satisfactory, to trace the subsequent career of the worst of the false witnesses against the Catholic victims. Dugdale's death has been already given in connection with the trial of Lord Stafford. Of the wretched Prance we know nothing further. Turberville also must be let alone in default of information. Bedloe died before the close of the reign—died in his wickedness, without one sign of remorse or shame. Carstairs was also dead before James the Second came to the throne. The end of this man had been all horror and despair; and with his last breath he had told his attendants to throw him into a ditch like a dog, for that he was not fit to sleep in a Christian burial-ground. Of the arch-fiend Titus Oates much more is known. The Duke of York, a short time before his accession, had instituted a civil suit against the "saviour of his country," as Protestant bigots had called him, for defamation of character. The jury had given damages against him to the amount of a hundred thousand

pounds. The defendant's person had been taken in execution, in default of payment or of goods on which to levy, and he was lying in prison as a debtor, without hope of release. Before the beginning of the new reign two bills of indictment for perjury had been found against Oates by the grand jury of Middlesex, and he was brought to trial soon after the accession of James. Among the upper and middle classes the defendant had now few friends, though a large number of low fanatics still regarded him as a public benefactor. Knowing that his conviction would bring a sentence of extreme severity, some of these people made great exertions for his escape. Though he was still in confinement for debt only, the authorities of the King's Bench Prison put him in irons, and even so he was with difficulty kept in safe custody. The mastiff that guarded his door was poisoned, and on the very night before his trial a rope ladder was introduced into the cell. When Titus was brought to the bar, Westminster Hall was crowded with spectators. Among them were many Roman Catholics, eager to see the misery and humiliation of their persecutor. The personal appearance of the great

perjurer, strictly corresponding in its deformity to the spirit within, has been already described. Times were sadly changed with him. He had been the idol of the nation. Men had uncovered their heads to him wherever he appeared. The lives and estates of England's noblest and wealthiest men had been at his mercy.

Proof was easy enough in this prosecution. The prisoner had, beyond doubt of all persons not besotted by fanaticism, deliberately murdered, through false testimony, several guiltless persons. He called now in vain for aid on the most eminent members of the Parliaments which had rewarded and extolled him. Some of his former abettors stayed away. None of those who attended on his summons would say anything of service to his cause. The Earl of Huntingdon bitterly reproached him with having deceived the Houses and drawn on them the guilt of shedding innocent blood. Browbeaten and reviled by the judges, Oates gave no sign of fear or shame, and faced the storm of invective which burst upon him from bar, bench, and witness-box with the insolence of despair. On both indictments he was of course convicted. The offence was, in a

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legal view, a misdemeanour. Morally considered, it was murder of the most aggravated kind. He could not be sentenced formally to death ; but the judges were equal to the occasion. The court, inspired by the Crown, was resolved to have the villain's life by indirect means and through a hideous form of torture. He was sentenced to be stripped of his clerical dress, to be pilloried in Palace Yard, to be led round Westminster Hall with an inscription declaring his infamy over his head, to be pilloried again in front of the Royal Exchange, to be whipped from Aldgate to Newgate, and, after the lapse of two days, to be whipped again from Newgate to Tyburn. In case of his surviving this dreadful series of inflictions, he was to be closely imprisoned for life, and five times every year brought forth from his cell and exposed on the pillory in different parts of London.

It must be admitted in behalf of Titus Oates that, matchless as he was in his peculiar form of wickedness, he was equally unrivalled in brazen shamelessness and courage and in bodily endurance. Most strong men would have been killed outright by the half of what he suffered.



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When he was pilloried in Palace Yard he was severely pelted, and ran some risk of being torn in pieces. At the Royal Exchange his partisans were in great force, raised a riot, and upset the pillory, but the train-bands prevented them from rescuing their idol. Careful measures were taken to prevent him from poisoning himself. On the morning after his exposure in the City he was brought out for his first flogging. At an early hour crowds filled the streets from Aldgate to the Old Bailey. The hangman laid on the lash so fiercely as to induce a belief that he had special instructions. The blood ran down in streams, and at last the criminal was forced to utter fearful bellowings. Several times he fainted, but the lash continued to descend. At the end of this first flogging he seemed nearly dead. The King was appealed to in his behalf, but he declared that Oates should go through the second flogging if he had breath in his body. After two days' respite the victim was again brought out of his dungeon, unable to stand, and it was needful to drag him to Tyburn on a sledge. He seemed insensible, and it was said that he was drugged with "strong waters." An eye-witness

on this second day counted seventeen hundred stripes. He escaped with his life, and his admirers thereupon declared that a miracle had been wrought, and that it was a proof of his innocence. For many months the man was ironed in the darkest den of what was then noisome Newgate, sitting, as was reported, in melancholy mood, groaning dismally for whole days, with arms folded and his hat over his eyes.

Oates had attained European fame. Millions of Roman Catholics abroad, having heard of the persecution of their brethren in England, and of Titus Oates as the chief agent in their martyrdom, rejoiced to learn the tidings of the vengeance which had overtaken him. Engravings of him looking out from the pillory and writhing at the cart's tail were circulated all over Europe. Writers of epigrams in several tongues mocked at his doctoral title, received, as he pretended, from the University of Salamanca, and remarked that since his brow could not be made to blush it was only fair that his back should do so. There were French and Italian pamphlets containing the history of Oates's trial and punishment,

and the anagram of his name, "Testis Ovat" ("the witness exults"), is found on many prints published in different countries.

For three years and a half following his scourging Oates lay in Newgate, except on the days, the anniversaries of his chief perjuries, when he was brought out and exposed in the pillory. There were still many fanatics who looked upon him as a martyr.

When London was in confusion after the flight of James the Second, the gaolers of Newgate, desiring to conciliate a man who might, in the changed posture of affairs, become again formidable, let the prisoner go freely about the town. His uneven legs and his hideous face, not improved by the shearing which his ears had undergone, were daily seen in Westminster Hall, which he haunted like a ghost come back from the abode of the doomed. He made up to his old patrons, and gave them, in his own affected drawl, the history of his wrongs and of his hopes. Now that the good Protestant cause was triumphant he was looking for fresh rewards. "In a few weeks he brought his sentence before the House of Lords by a 'writ of error.' This is a species

of appeal which raises no question of fact. The Lords, sitting judicially on the writ of error, were not competent to examine whether the verdict which pronounced Oates guilty was or was not according to the evidence. All that they had to consider was whether, the verdict being supposed to be according to the evidence, the judgment was legal. Among the Whig peers a small minority still regarded the appellant as a man who had rendered inestimable services to the cause of liberty and religion, and who had been requited by long confinement, by degrading exposure, and by torture not to be thought of without a shudder. The majority of the House more justly regarded him as the falsest, the most malignant, and the most impudent being that had ever disgraced the human form. The sight of that brazen forehead, the accents of that lying tongue, deprived them of all mastery over themselves. Many of them doubtless remembered with shame and remorse that they had been his dupes, and that on the very last occasion on which he had stood before them he had by perjury induced them to shed the blood of one of their own illustrious order."

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It was not likely that strict justice would be done by a body of men whose feelings were thus engaged. Nine judges were in attendance, and among the nine were the chiefs of the three Courts of Common Law. The unanimous answer of the nine was that the Court of King's Bench was not competent to degrade a priest from his sacred office or to pass a sentence of perpetual imprisonment, and that therefore the judgment against Oates was contrary to law, and ought to be reversed. The Lords were undoubtedly bound by this opinion. The Lord President, however, cried, "There is only one way in which I can consent to reverse the fellow's sentence. He has been whipped from Aldgate to Tyburn. He ought to be whipped from Tyburn back to Aldgate." In the result, twenty-three peers voted for reversing the judgment; thirty-five for affirming it. In the House of Commons, on the following day, keen reflections were thrown on the justice of their lordships. The most eminent lawyers in the House concurred in the opinion of the judges. A dispute arose between the Houses. Neither side would give way; but in the end Oates

received a pardon, and was set at liberty. The King, in response to an address from the Commons, assigned him a pension of three hundred pounds a year, a sum which he thought unworthy of his acceptance, and which he took with the savage snarl of disappointed greediness.

The impudence of the man was beyond conception. In 1692 he is found clamouring for an increase of his stipend and aspiring to ecclesiastical preferment, thinking it hard that, while so many mitres were distributed, he could not get a deanery, a prebend, or even a rectory. He took every opportunity of urging his pretensions. His loathsome features were daily seen, and his well-known "Ah Laard! Ah Laard!" was daily heard in the lobbies and in the gallery of the House of Commons. "Every day he might be seen hurrying, as fast as his uneven legs would carry him, between Charing Cross and Westminster Hall, puffing with haste and self-importance, chattering about what he had done for 'the good cause,' and reviling in the style of the boatmen on the river all the statesmen and divines whom he suspected of doing him

ill offices at Court and keeping him back from a bishopric. When he found that there was no hope for him in the Established Church, he turned to the Baptists. They at first received him very coldly; but he gave such touching accounts of the wonderful work of grace which had been wrought in his soul, and vowed so solemnly before Jehovah and the holy angels to be thenceforth a burning and shining light, that it was difficult for simple and well-meaning people to think him altogether insincere. He mourned, he said, like a turtle. On one Lord's day he thought he should have died of grief at being shut out from fellowship with the saints. He was at length admitted to communion; but before he had been a year among his new friends they discovered his true character, and solemnly cast him out as a hypocrite. Thenceforth he became the mortal enemy of the leading Baptists, and persecuted them with the same treachery, the same mendacity, the same effrontery, the same black malice which had, many years before, wrought the destruction of more celebrated victims. Those who had lately been edified by his account of his blessed experiences stood

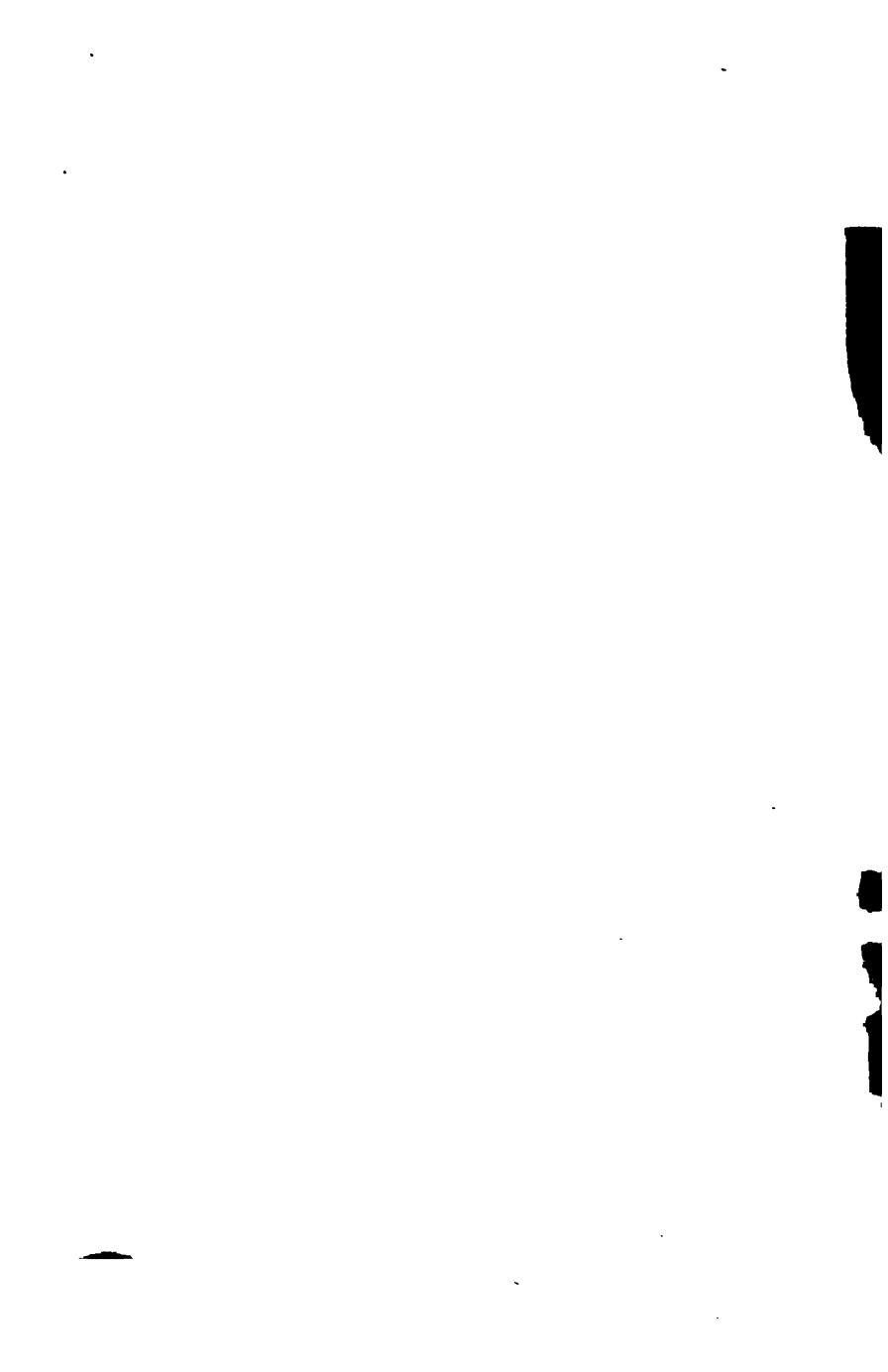
aghast to hear him crying out that he would be revenged, that revenge was God's own sweet morsel, that the wretches who had excommunicated him should be ruined, that they should be forced to fly their country, that they should be stripped to the last shilling."

He then turned his attention to encouraging the designs of a wicked man named William Fuller, and aided him with his purse and his counsel in unfolding a new "plot" of certain Tories. Fuller's revelations to the House of Commons ended in a unanimous resolution that he was a cheat and a false accuser, and in his conviction and sentence to fine, imprisonment, and the pillory.

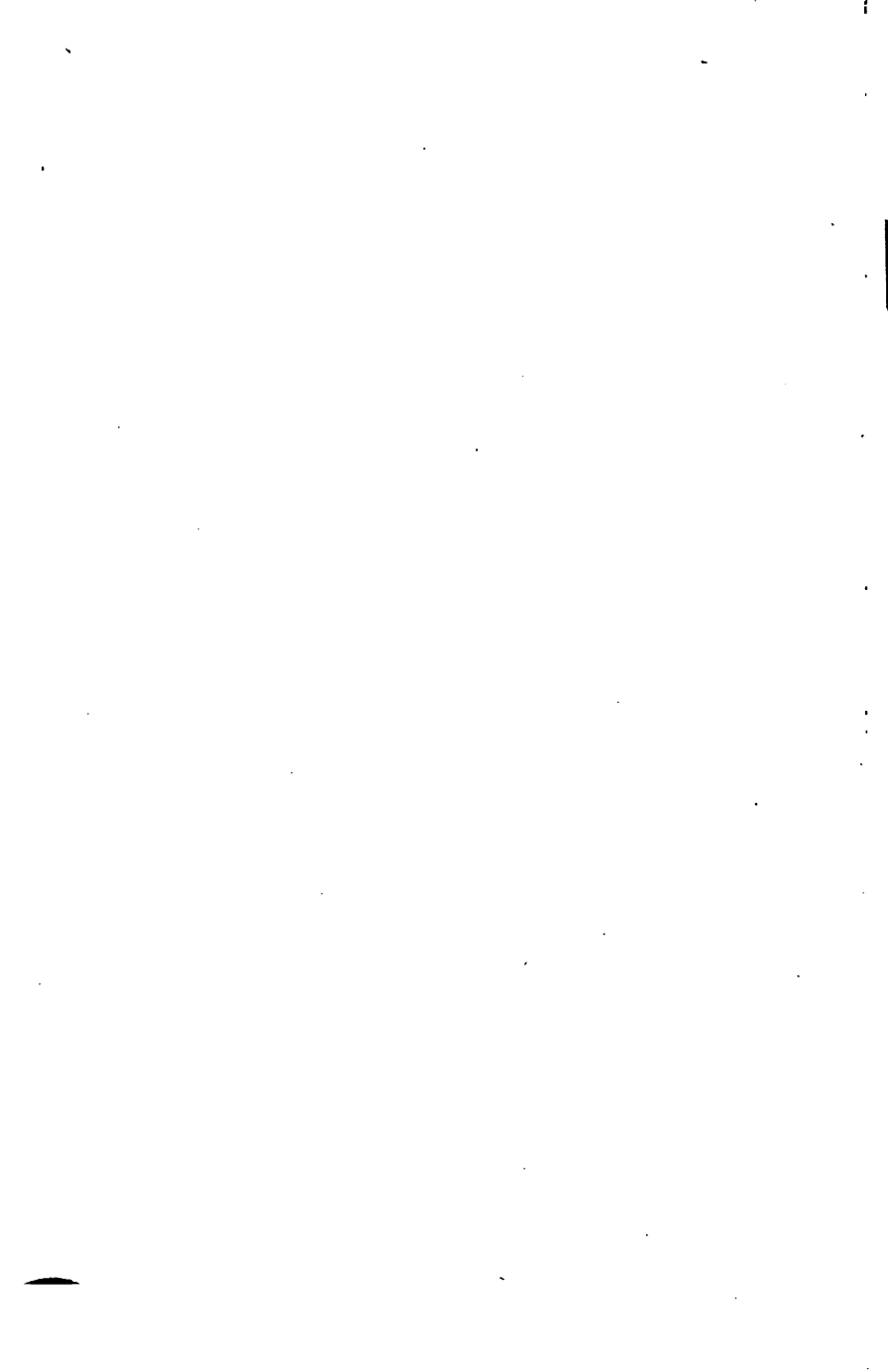
In 1696 Oates wrote to the Secretary of State describing his worse than utter destitution. He died at last, in the odour of sanctity, in 1705.

Dangerfield, in 1685, was brought to trial for libel. During the agitation caused by the Exclusion Bill he had put forth a narrative containing some false and odious imputations on Charles the Second and his successor. He was now, after the lapse of five years, suddenly





from tearing him to pieces. It is probable that Dangerfield's death was due almost wholly to the flogging. The Government and the Chief Justice laid the blame on Francis, who was tried and executed for murder.





VOLTAIRE.

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## CHAPTER III

### JEAN CALAS

1761—1765

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## CHAPTER III

JEAN CALAS

1761—1765

WE now present our readers with a case from France as she existed under the *ancien régime*, the time preceding the great Revolution of 1789, that storm which should have purified the air and undoubtedly did sweep away many evils of absolute rule. In the sequel, after many changes of government, it has been the unhappy fortune of a great and noble country to fall, with an established republican form of rule, under a virtually military sway which has not, to say the least, been conspicuous for the exercise of justice in military affairs. The trial of Jean Calas is a kind of reverse parallel to those of the Catholics who, in England during the seventeenth century, were the victims of Protestant bigotry. We are now to see a

Protestant subjected to detestable injustice from Roman Catholics, his fellow-citizens—a bigoted populace led astray by the priests who were professedly the instructors and leaders of men in righteous dealing.

In quite recent times the devotees of the ultra-Catholic reaction in France have endeavoured to show that Calas' judges were in the right, and that he was justly sentenced. The supporters of justice to the memory of the dead and of the honour of his family thereupon took up the challenge, and with the help of new documents placed the innocence of Calas for ever beyond doubt in the minds of all people not demented through religious fanaticism. We have shown, in the case of Oates's victims, that Protestants of the Stuart age in England were, not without some reason derived from the published maxims of eminent Roman Catholic writers, possessed of the belief that the Roman Church gave an immoral sanction to words and acts uttered and committed in defence of her religious system. We have now to expose the extreme ignorance of Catholic judges who seriously held, without any reason at all, that the murder of children

by their fathers, as a punishment for conversion to Catholicism, was commanded by Luther and Calvin and generally practised among Protestants. The presentation here made of the case of Calas rests upon the sure foundation of the State archives of France, examined and interpreted by men of the highest legal eminence. We are to see in the victim, Jean Calas, a heroism whose simplicity serves only to exalt its grandeur; in his widow, the strength of soul of a matron of ancient days, penetrated and softened by Christian faith; and lastly, in one of the greatest men of letters that France or any other country ever produced we shall note a splendid service to the cause of justice, tolerance, and humanity rendered by one who, unhappily, was one of the bitterest assailants of the Christian religion. This last, under the ignoble reign of Louis the Fifteenth, was an honour to the land that gave him birth, and his name descends to posterity in the same category as those of the men who, in our own time, have faced opprobrium in the same country on behalf of the victim of courts-martial.

The scene of the tragedy with which we deal

was the ancient city of Toulouse, the capital of Languedoc, a city renowned of old for literature, wit, and learning, for independence of thought and boldness of utterance, notably in songs of caustic and incisive tone. In ancient times this great municipality had its consuls, known as "capitouls." As the court of Visigothic kings, a centre of politics for Western Europe, the intermediary between the imperial eastern court and the Germanic kingdoms, Toulouse was a rival of Constantinople. The poets Martial and Ausonius describe her as "the city of Pallas," and St. Jerome styles her "the Rome of the Garonne." Southern France became in mediæval days a seat of opposition to the Catholic faith, a field of battle between orthodoxy and heresy. The old Graeco-Roman civilisation had cast deep roots there. The people were not disposed to submit tamely to the priestly yoke, and sects of religionists with views of their own arose in succession in the region bounded by or containing the Alps, the Cevennes, and the Pyrenees, extending from Lyon and Bordeaux to the Mediterranean.

The Albigensian heresy was the cause of

much trouble in this part of France. About 1022 several "heretics" of that class were put to death, and with them began the long list of the unorthodox who perished at Toulouse, a list only closed, after nearly seven centuries and a half, in 1762, with the names of five victims. The last of these was Jean Calas. We pass over briefly the various revolts against Rome which were organised in and near Toulouse. In 1163 the Council of Tours was greatly concerned with the "heretics of Toulouse." In 1181 a regular "crusade" was preached against them, Count Raymond the Sixth being one of their leaders. In 1208 Pope Innocent the Third proclaimed a second crusade against the Albigenses, and under the leadership of Simon de Montfort, father of our famous Earl of Leicester, a champion of English freedom, fire and sword were carried through the land. In 1216 Toulouse was besieged and set on fire by De Montfort and rescued by Raymond the Sixth. Again besieged, and for a time saved by the slaying of Simon under her walls, she became, some years later, the object of a third crusade, and was at last surrendered, in 1229, by Count

Raymond the Seventh. The horrors of war, the ruin of the country, had left heresy as firmly rooted as ever in the minds of the people, and lent it a new strength of bitter indignation against the orthodoxy of Rome. The burgesses and their elected leaders, the capitouls, in spite of outward conformity, remained heretics at heart. Catholicism was, however, vigorously organised in this region for the offensive and defensive struggle against encroachments on the one true faith, with St. Dominic and his Order of Preaching Friars, the "Holy Office" of the Inquisition, and all the apparatus of persecution. In the contest which ensued, sometimes heretics were burnt alive, at other times inquisitors were driven out or assassinated. On one occasion two hundred Albigenses, taken captive in a castle, were burnt without trial. And so the warfare went on, with Catholicism growing ever stronger through royal support and the weakening of the old national spirit.

When the Reformation came to change the face of Europe, one of the first Protestant martyrs of France was Jean de Caturce, a lawyer, burnt alive at Toulouse. During thirty years a

great number of Huguenots perished there ; but the reformed doctrines made progress against all the rage of the Parliament of Toulouse, of the clergy, and of a part of the people. The persecution was ended for a time by the edict which permitted the new worship, and some of the capitouls were favourable to Protestantism.

In 1562, ten years before the "Saint Bartholomew" massacre in Paris and the provinces, Toulouse had her own tragedy, an event occurring just two centuries before that which is the subject of this writing. Some Protestants were burying a woman, and some Catholics claimed her as a co-religionist, attacked the procession, and took possession of the body. A violent struggle arose. The tocsin was rung by a priest. The Catholic populace attacked the reformed party, who were much less numerous, and the great majority of the Parliament took a strong part against the weaker side. This body of high officials, clad in red robes, marched round the city, bidding the Catholics, in the King's name, to assail the reformers, and assigning them a white cross as a mark of distinction for their persons and houses. A civil war ensued. The Protestants



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entrenched themselves, with cannon, in the Hôtel de Ville. In order to dislodge them, the adjacent houses were fired, and the Parliament forbade, under pain of death, any attempt at extinction of the flames. The besieged then battered down the blazing houses. The Governor of Narbonne was sent to propose terms of peace. The Protestants were to quit the Hôtel de Ville, leaving their weapons and ammunition, and they might then retire in freedom whither they would. No longer able to hold out, they accepted this offer, and on Whit-Sunday, at the time of vespers, they all came forth unarmed, in the hope of thus escaping the fury of the people, who had already massacred all the Huguenots whom they could seize. As soon as they were known to be issuing from their place of refuge the people in the churches rushed out and slew most of them without pity. Historians estimate the number of victims variously at three to five thousand. The Toulouse Parliament caused any who had escaped from this wholesale murder to be put to death. That eminent body of men then purified its own ranks by the ejection of twenty-two suspected members. All the

capitouls of the year were deposed from office, their children were deprived of noble rank, their property was confiscated, and the decree awarding this punishment was inscribed on a marble slab at the Capitol.

This frightful massacre freed Toulouse almost wholly from the stain of the heresy which thenceforth, in that region, existed only among a very small, a persecuted, and a detested minority of the people. Thus did Catholicism triumph at Toulouse ; thus was the city, so long obstinate in heresy, restored to the faith of the one, true, and orthodox Church. The few Protestants in the place, when any of the sect dared to reappear, found themselves the sole heirs of the hatred gathered for ages in succession against Arians, Albigenses, Vaudois, and Huguenots. Extermination alone had been able to prevail against heresy.

The Parliament established an annual festival of "Deliverance," which was to be held on May 17, the anniversary of the massacre. Two years later Pope Pius the Fourth confirmed their decree by a "bull," ordering the festival to continue for two days, and attaching to it indulgences

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and special blessings. Voltaire afterwards styled the festival "the yearly procession of thanksgiving to God for four thousand murders!" The yearly procession, attended by the members of the four local brotherhoods with their banners, and by all the officials and trade-guilds, kept up the popular hatred against the Protestants.

The Revocation of the Edict of Nantes by Louis the Fourteenth, in 1685, was of course received with enthusiasm at Toulouse, and the event was celebrated by the municipal authorities in the way of fresco-paintings, at the Hôtel de Ville, representing Louis, a bare sword in one hand and the crucifix in the other. At his side soldiers were demolishing temples and planting the cross on their ruins, and others were forcing Protestants to kneel in front of images. Another painting showed the massacre of 1562. Such was the city, and such the antecedents of her religious history, in which the tragedy of Jean Calas was to be enacted.

In 1762 preparations were made for celebrating with unusual splendour the second centennial anniversary of the local massacre of the Huguenots. The capitouls of the year, in their report, refer

to having striven to celebrate, "with all possible magnificence," the centennial year of "the Deliverance," and to their having, "in imitation of the piety of our fathers," asked and obtained a "bull" from the Pope (then Clement the Thirteenth) extending to eight days the period of religious privileges accorded by Pius the Fourth for two days only. This anniversary was specially marked by a grand display of fireworks at the close, and by a great show, in the procession, of stuffs in silk and gold ordered at Lyon. In 1763 Voltaire, in a letter to Madame Calas, expressed the opinion that "this ceremony of savages ["Iroquois" is his own word] will not long continue to be held." He did not allow for the tenacity of life in the works and ways of religious bigotry. A hundred years after he wrote, in 1862, under the Second Empire, the Archbishop of Toulouse made a fresh announcement of the olden ceremony. The Government opposed the celebration, so far as the streets were concerned, on the ground of danger to the public peace. They had other good reasons on their side, seeing that Toulouse was, at that time, no longer in a state of

"deliverance" from heresy. The city had Protestant churches and heretical ministers, and it is certain that a great number of the Catholic citizens approved neither the massacre of Protestants three centuries before, nor the offering of thanks to Heaven on that behalf. The Government permitted the celebration of the festival within the Catholic churches; and the clergy of Toulouse thus proved that they had not, after the lapse of three centuries, and amidst the full light of modern progress and freedom, either duly forgotten or learned what they ought.

The people of Toulouse, ever fervid with the passions of natives of southern France, and already excited by the preparations, begun a year in advance, for the great ceremony of May, 1762; stirred, further, to intolerant feeling by officials who took a pride in persecution, were heated, early in that year, by the public spectacle of executions of heretics. On February 19 a Huguenot minister, François Rochette, last of the martyred pastors of his faith, a man of only twenty-six years of age, was hanged. On his breast he bore a placard inscribed, "Minister of

the R.P.R." (*i.e.* "Religion prétendue Réformée.") As he ascended the ladder to the gallows, he sang the words used by Huguenot martyrs, versified from Psalm cxviii. 12. On the same day three brothers, glass-makers, men of the rank of *gentilshommes*, were beheaded for the offence of planning a rescue for Rochette from the Marshalsea prison. The youngest of the brothers covered his face with his hands as the two elder died. When the executioner came and again offered him life on condition of conversion to the Catholic faith, he calmly replied, "Do your duty," and laid his head on the block.

The execution of Protestants was thus a sight familiar to the people of Toulouse, and the feelings thereby aroused could not but be injurious to the cause of any heretics who might at that time fall under accusation of odious crime. The spirit of the time of crusades against the Albigenses was alive and in full vigour. To be a Protestant in Toulouse was to be subject to prejudice which nothing could abate ; to be the victim, in Voltaire's words, of "an infernal Fury, of old time escorted into

Languedoc by the inquisitors attending Simon de Montfort, and still, from time to time, shaking her torch."

On October 13, 1761, at evening-tide, the merchants and shopkeepers in the Grand' Rue des Filatiers, the busiest street of trade in Toulouse, were closing for the day. The thoroughfare was alive with the stir and the talk of employers and their assistants setting all in order for the next day's work, while here and there sat groups of people in the open air before their doors. The shop and house at No. 16 (now No. 50) were occupied by the Calas family, the resident members being Jean Calas, a dealer in printed calico, his wife, two of his sons—Marc-Antoine and Pierre—and a servant, Jeanne Viguiet. The shop had been closed at the usual supper-hour. At half-past nine, or shortly afterwards, a passer-by heard cries in the house of Calas. These exclamations were also heard by fourteen persons engaged in neighbouring houses or sitting in the street, and all agreed as to the time, though not as to the words which caught their ears. Most of them declared that they heard, "Ah! mon Dieu!" and differed as to what followed. At

the sound of the cries, Madame Calas' servant, opening a window on the first floor, exchanged questions and answers with other women, withdrew from the window, and soon reappeared at the door, crying, "It is all over : he is dead !" According to other witnesses, she exclaimed in patois, "Ah ! moun Diou ! l'an tuat !" ("My God ! he is killed !") A few seconds later there was seen running from the house a young man unknown to the neighbours, clad in a grey coat and red vest and breeches, wearing a three-cornered hat trimmed with gold lace, and with a sword at his side. Another young man, Pierre, third son of Jean Calas, came out twice, and twice returned, first with a youth named Gorsse, pupil of a surgeon named Camoire, then with Monsieur Cazeing, a man in business and an intimate friend of Jean Calas, and with a lawyer, Monsieur Clausade. The neighbours hurried up from all sides. Before the arrival of young Gorsse, a friend of the Calas brothers, Antoine Delpech, son of a Catholic man of business, entered the shop. Marc-Antoine, the eldest son, was there stretched lifeless, his head supported by bales of goods. His father, leaning



on the shop-counter, was in a state of despair ("At times," said the servant in her deposition, "he flung about everywhere"); and the mother, less overcome, was bending over the body, vainly striving to cause the swallowing of a cordial, and moistening the temples. Delpech declared that his first thought was that a duel had taken place. His idea was that Marc-Antoine, who was skilful with the sword, had been thus engaged. "I felt his body," he said, "over the stomach and other parts which I found cold, but there was no wound." This statement was confirmed by another witness, who had also entered the shop. The medical pupil, Gorse, came in at this moment and examined the body, and, as he stated, "placing his hand over the heart, he found the flesh cold on all sides, and there was no palpitation." All this testimony, which confirmed the statements of members of the family, proves that, as the whole body, even the flesh over the heart, was cold at half-past nine or a few minutes later, the cries which had just been heard could not have proceeded from the deceased. Gorse declared that the young man had died by hanging or strangling. Clausade,

the lawyer, seeing the state of affairs, that the young man was past help, advised the family to inform the police, "in order to certify the death and obtain leave for the burial." Lavaysse, the young man in a grey coat, who had just returned, offered to render this service, and hurried with Monsieur Clausade to find Maître Monyer, assessor of the capitouls, and their clerk, Savanier. On their return, they found an excited crowd gathered round the house. Forty soldiers of the watch were guarding the door, and one of the capitouls, David de Beaudrigue, was already on the scene of the tragedy. The assessor and the clerk were allowed to enter, but Lavaysse, who sought to follow them, was kept back by the soldiers. It was in vain that he insisted, as a friend of the family, until he stated that he had come from the house and had supped there that very evening. On this last declaration it was understood that he might have to be heard on the case, or even his person secured. He went in, and from that moment his lot was one with that of the Calas family, and for four years he shared their suffering, humiliation, and peril.

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David de Beaudrigue, one of the capitouls, had been aroused from his first sleep at half-past eleven by two tradesmen of the district. Hurrying off with the guards, he caused a physician and two surgeons to be summoned. He began proceedings with the arrest of Pierre Calas, who had remained near the body, waiting for the police, while his parents had withdrawn to their room on the upper floor. During this time the crowd pressing at the doors were making excited remarks on the sinister and mysterious event. "Confused cries," it was said, "had been heard over the whole district, and the lifeless body of a young man of twenty-eight found in the midst of his relatives." The spirit of fanatical spite was beginning to move them. The Calas family were well known to be Protestants. A death so strange and sudden, occurring at their house, was bound to appear a crime to those who looked upon a Protestant as capable of any evil deed. The mob found no difficulty in believing or in asserting that the parents and brother had murdered their relative. The motive? That was not far to seek. "These Huguenots had slain their son in order to prevent

him from turning Catholic." This frightful accusation sprang from the crowd gathered round the door. The first utterer of the wicked slander was never known. It was greedily accepted, and repeated from mouth to mouth, gaining strength with each fresh assertion. No one adopted it with more readiness or more fully than the capitoul David de Beaudrigue. In that anonymous cry he heard the voice of truth; suspicion was for him a shaft of light. Calas, compelled by the nature of his business to live in a part of the town removed from the two Protestant districts, was surrounded by neighbours who were hostile, if not to him personally, at any rate to his creed.

- The negligence of the Catholic magistrate, who, having arrived first among the officials on the scene of the tragedy, was responsible for a due inspection of the details, can scarcely be conceived. De Beaudrigue failed to examine the state of the shop and adjacent rooms. He had no search made about the house for places where assassins might have been hidden, as, for instance, the long passage leading from the street to the courtyard. He forgot to determine if those

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whom he accused of strangling a young man in the prime of manly vigour had their clothes disordered or bore on their persons any other signs of a struggle. He made no search in the room of the pretended "martyr" for Catholic books or objects of devotion. He did not even preserve the papers found in the pockets of the dead man. In a word, without observing one of the formalities prescribed by the law, the capitoul David mounted to the room of Jean Calas and his wife, and bade them accompany him to the Hôtel de Ville. He had the body of Marc-Antoine Calas carried away on a litter, with his coat, which had been found folded on the counter ; and he arrested, along with the Calas family, all the persons found in the house—their servant, Jeanne Viguiet, young Lavaysse, and Cazeing, their friend, who had only reached the house after receiving news of the tragic event. One of the defenders of the accused persons, a man of ripe wisdom and high position, counsellor to the Toulouse Parliament, afterwards pointed to the irreparable wrong done to the cause of the accused by their hasty arrest. An immediate and careful examination of the scene of action

would have probably shown at once that the event was a suicide. The clearest elements of proof were, through the negligence of the capitoul, lost without hope of recovery. The arrest was, moreover, illegal. It could not lawfully take place without a warrant save in the case of *flagrant délit* or glaring publicity in the act, or of *clameur publique*, the latter meaning, not the uttered opinion of a person or of a crowd on the causes of death, but a street cry in pursuit of a runaway. There was nothing of either kind in the case of the Calas.

The relatives of the dead man were so far from conceiving the fate in store for them that, absorbed in grief, they supposed their visit to the Hôtel de Ville to be for the purpose of their giving account of what had occurred. Pierre Calas took care to place a lighted candle in the passage, to await their return for the night. The capitoul, with a smile at his simplicity, had the light extinguished, and observed that "they would not return so very soon." He was right. They never returned, and this was just what he meant to convey.

The news of the arrest caused great excitement,

and the bigoted Catholic people looked upon the Calas family as not merely guilty, but as good as convicted, of murder. The accused persons were shut up and interrogated in separate rooms of the same prison—Jean Calas and his son Pierre in dark cells, and the two women in rooms not without light. Lavaysse was placed in the lodgings of the officer of the guard. It was only then that the capitoul, David de Beaudrigue, drew up his *procès-verbal*, or first report, in violation of the law ordering this to be done on the scene of a crime and before quitting it after the first visit. Then also was drawn up the report of the physician Latour and of the surgeons Peyronnet and Lamarque. These gentlemen, after being sworn by David, examined the body of Marc-Antoine Calas. Their published report states that the body was "still slightly warm, without any wound, but with a livid mark on the neck, about half an inch in width, of a circular shape, disappearing amidst the hair behind, and dividing into two branches on each side of the neck. These signs convince us that he was hanged, still living, by his own hands or those of others."

The negligent official, on quitting the house of Calas, did not at first leave any guard in charge, nor did he then think of taking possession of the instruments by which the deed had been committed. Later on he placed nine soldiers in charge of the house, a number soon increased to twenty, maintained there for five months at the cost of the accused. The rope and the billet of wood which served to effect the death of Marc-Antoine Calas were deposited at the office of the clerk to the capitouls.

On October 14, Jean Calas, his wife, his son Pierre, young Lavaysse, and even the servant, although she was a Catholic, were accused before the capitouls of having strangled Marc-Antoine Calas under the impulse of Protestant fanaticism, in order, by his murder, to prevent his conversion to the Catholic Church. Cazeing was now discharged. The charge was, upon the face of it, in the highest degree improbable, and, in the case of one of the accused, it was absurd. There is always a strong presumption against a charge of atrocious crime when the accused is a person of character hitherto without reproach, a man or woman of pure life and mild demeanour. This



presumption becomes far stronger when several such persons are involved in the charge.

It is incredible, if not that one, yet that five persons, differing in age and position, and two among them of different blood from the rest, should commit a crime of the utmost wickedness after having gained and kept undeserved esteem among their fellow-men. In the Calas case we have one of the accused, the servant, belonging to a rival Church ; all were unassailable in their previous conduct ; and fanatical hatred vainly employed all the resources of calumny in the endeavour to fix a single stain upon any of the number.

Jean Calas, born in 1698, near Castres, had been established in business at Toulouse for forty years at the time of his son's death in 1761. Simple-minded, honest, and diligent in his calling, he had slowly acquired a fair position among his fellow-citizens, and his religious and virtuous character was an honour to Protestantism in the city where he dwelt. His manly piety and his devotion to duty were the best possible preparation for the martyrdom to which he was doomed. His temperament was gentle as well as serious.

A young man, afterwards cashier in the postal service at Geneva, furnished written testimony in the most solemn form that "he lived during four years at Toulouse in Calas' family ; that he never saw any household more united, nor a father more tender ; that, in the whole time of his stay there, Jean Calas was never once angry, and that, if he (the witness) possessed any feelings of honour, rectitude, and moderation, he owed them to the moral training there received." The barrister, Maître Sudre, requested to be allowed to prove that, shortly before the death of Marc-Antoine—*viz.* at six o'clock in the evening—a young lady having come to the shop to buy some stuff, Calas *père* sent that son, "*speaking in a very gentle tone,*" to look in the upper story for the piece of material asked for. This young lady was not examined on the matter, and Maître Sudre was not allowed to prove the fact.

It is a point strongly in favour of Jean Calas, charged with murdering his son because he wished to embrace Catholicism, that he, the father, in his relations with Catholics always displayed a mildness of manner and a tolerant

spirit then very rare. Abundant proof exists on this head. In 1735 a Catholic magistrate named Bonafous, wishing to place his two daughters in the nunnery of Notre Dame at Toulouse, entrusted them to the care of Calas, in whose house they at first abode. At a later period, the elder sister on several occasions lodged with the Calas, when illness occurred at the nunnery. After her marriage with the mayor of a neighbouring town, this lady, as also her sister, furnished duly authenticated certificates of the above facts. Madame Boulade, the Mayor's wife, declared in her deposition that "during the time of her residence with Calas and his wife she fulfilled all her duties as a Catholic, in the year 1757, and that Calas always sent her under proper charge to the churches which she attended." Many other witnesses gave like evidence, but none of these documents in favour of the accused was produced at the trial. The same tolerance was shown by Calas towards his son Louis, who became a Catholic, and also towards the servant, who had aided and abetted the son's conduct in this matter, which was a source of pain to his parents. With the knowledge of these facts,

no candid judge could possibly believe that Jean Calas was the murderer of his eldest son for the reason alleged. It is established that the accused man was regarded by all except bigoted Catholics with esteem and even with affection.

Madame Calas, married in Paris in 1731, was her husband's superior in mental ability and worthy of him in her elevation of character. Her maiden name was Anne-Rose Cabibel. She was English by birth, French in race, belonging as she did to one of the Huguenot families whom the bigotry of Louis the Fourteenth drove into exile. She was allied in blood to several noble families in Languedoc and to some officers of high rank, chevaliers of the Order of St. Louis. Her relatives only remembered her after the legal murder of her husband, when she and her son Pierre lay in prison under the capital charge. Madame Calas herself, in the shop at the Rue des Filatiers, scarcely thought of her ancestry. She had all the courage, but not the pride, of those from whom she sprang. The greatest Frenchman for intellectual power then living, when he came to know her, was filled

with wonder and with high regard for her quiet energy and dignity of character and for the vigour of intellect which no suffering had been able to abate. In presence of the judges she displayed her mental superiority to her hapless husband in the penetrating power and presence of mind with which she detected and evaded the traps laid for them by the interrogating officials, and she showed a higher resolution than he in protesting against false or malicious testimony.

The servant, Jeanne Viguiet, about forty-five years of age at the time of Marc-Antoine's death, had been in service with Madame Calas for twenty-four years. A royal decree of January, 1686, forbade Protestants in France to have any non-Catholic servants, under penalty of fine for the employers and the "galleys" for the domestics. The Toulouse judges thus well knew that the Calas family must have a Catholic for servant or have none at all. Yet they asked Jeanne at the trial "how she could remain for twenty-four years in a family of a religion opposed to her own." She replied simply that, "having never been annoyed in any way, she

found herself well off." We thus see that Protestants, who, pained as they were at their son's change of faith, had not ceased to treat with kindness the Catholic servant who had encouraged him thereto, were accused of having murdered another son through sheer fanaticism. The Catholic servant who had aided the younger son to change his faith is charged with having shared in the crime of murdering his elder brother because he contemplated such a change. We have repeated and insisted upon this point in order to show the extreme absurdity of the accusation. In truth, the history of the world would be ransacked in vain for any worse display, not merely of injustice, but of folly in the selection of victims. The servant, in spite of her undutiful behaviour in the matter of Louis Calas' conversion to her own faith, was in all other respects honest, courageous, and faithful. She shared all the perils of Madame Calas, and she remained closely attached to her to the end of her life.

The great defender of the honour of the Calas family, at a later day, insisted on the fact that Jeanne Viguiers replies to her judges

in denial of the alleged crime must have been truthful. That she was a fervid and sincere Catholic could not be denied after her conduct in the conversion of Louis Calas. It was a fact well known that she attended confession twice weekly. After she quitted her prison she confessed and received communion. It is impossible that her confessor should not have questioned her concerning the crime. If she had told him that Jean Calas had been concerned in hanging his son, the confessor must, beyond all doubt, have refused to give her absolution until she had declared her knowledge of the murder before the judges. It may be alleged that if she had shared in the crime, or if she knew that her master, Jean Calas, was guilty, she would deny all, even to her confessor, to screen herself or to save the honour of the family. She need not, however, have gone to confession at all. Those who can believe that a Catholic woman of known and long-proved honesty, a woman who spent time and trouble in the exercise of her faith without any hope of reward in this world, could in mid-life become a murderess or the accomplice after the fact and the perjured

protectress of murderers, and then voluntarily imperil her soul, consign it, according to her creed, to everlasting damnation, without rendering the least service to the name of her dead master or to her living mistress, will believe anything. There are such beings, unhappily, as impenetrable blockheads. There are fanatics who, in their hatred of all who dare to differ from themselves in religious belief, have incurred and received from their Maker the awful penalty of judicial blindness. Of such were the Toulouse judges of Jean Calas ; of such are those who, in France, to this day dare to assail the memory of a spotless Protestant victim, to assert his guilt, and to place themselves in the same category of infamy with the recent accusers of an innocent Jew. Let Jeanne Viguier, the Catholic servant, have the high honour which is her due. The terrors of the prison cell, incessant threats of torture and of death, suffering endured for four months while she lay in irons, promises of pardon and reward, all—all were in vain tried with the brave, the noble woman, in order to induce her to accuse her master and mistress and thus save herself. She was worthy of those whom for twenty-four



years she had, save in one respect, most faithfully served. There are many men and women of high rank justly renowned in the records of heroism. There has been none more heroic than this humble serving-woman of Toulouse, Jeanne Viguier.

We come now to deal with the dead Marc-Antoine Calas. In order to arrive at the truth concerning the tragedy, it is absolutely necessary to learn something of his career. Born on November 5, 1732, he was in his twenty-ninth year when his body was carried, on October 13, 1761, from the house in the Rue des Filatiers to the Hôtel de Ville at Toulouse. His youthful ambition soared above his father's trade. He had some oratorical ability, and longed for the Bar. His studies had been directed thereto, and in May, 1759, he received a diploma as Bachelor of Law. His further progress was arrested by the fact of his being a Protestant. As such he could not become an *avocat* or barrister. He would not change his faith, and reluctantly joined his father in the business, and helped him in the affairs of the shop and the warehouse. He was bitterly disappointed in the failure of his hopes.

One day, when he stood outside the shop, he saw passing Maître Beaux, a former fellow-pupil in the study of the law, who was returning from the "Palais," where he had just been admitted to the Parliamentary Bar. Beaux asked him, "When are you going to do the same?" Marc-Antoine replied that it was impossible for him, "because he did not choose to perform any Catholic act." The young man, deeply grieved to see closed for him the career of which he had dreamed, vainly sought to enter some other profession. From all he was barred out by some royal decree excluding Protestants. He then, entering perforce on the career of trade, sought an engagement with a merchant at Alais, but was unable in due time to furnish security to the amount of six thousand francs. He then desired to become partner in his father's business. Jean Calas found himself unable to consent to this proposal. He had, during four years past, initiated his son in all his affairs, and been everywhere represented by him, "looking upon him," as he declared, "as his second self." The interest of the whole family absolutely forbade him to give a share of control to one, even his eldest son, who

had no aptitude for business, and in whom a taste for gambling and idleness was ever growing stronger. The young man, irritated by his present position, and without hope for the future, had become a gambler, and witnesses at the trial represented him as passing all the hours at his disposal in the tennis-court and the billiard-saloon. His betting at those resorts was high for one in his position, and resulted in his sometimes losing six francs, twelve francs, or even a louis d'or. The day of his death had been almost wholly passed at billiards and tennis. One witness had seen him, until nearly five o'clock, in the establishment known as "Quatre-Billards." It is certain that on that day his father had handed him some crowns (six-franc pieces) to exchange for louis, that he gave no account of them, and that the money was never found. It is a fact that he had in his pockets, at the time of his death, some copies of immoral and indecent songs.

With this kind of ill-conduct that can be truly laid to his charge it is remarkable that Marc-Antoine Calas, alone in his family circle, was intolerant and inclined to fanaticism in religious matters. His religion was, like his character, of

a gloomy type. A priest declared that he had heard him maintain that "there was no salvation in the Roman Church, and that every Catholic was damned for ever." He often showed bitter irritation on the subject of his brother Louis' conversion. The reader will observe how wholly the conduct and character of Marc-Antoine Calas are opposed to the suggestion of the prosecutors that he meditated joining the Catholic Church. We can also well understand that such a young man, gloomy and taciturn at home as he was, declining any share in the harmless recreations of the family circle, embittered against men and things by the failure of his ambitious hopes, deriving no solace from the faith which he held so fanatically, gone astray into debasing pursuits, and daily disgusted with his occupation in the business of his father, was not unlikely to end his life, in a moment of despair, by his own act. He was given, as his mother testified, to the perusal, in Plutarch and Montaigne, of arguments in excuse for or praise of suicide. So marked was his taste for the more gloomy view of human affairs which leads men to seek death prematurely, that being a fair amateur tragedian and fervid

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reciter, he shone most in the *rôle* of Polyeucte, a hero who courts death as *l'heureux trépas que j'attends*, and in the frequent recitation of a poor translation, in French rhyming verses, from Hamlet's monologue. In one of the pieces, in praise of suicide, which he used to declaim, occur the words "*un brûlant désir d'anéantissement.*" It is difficult not to connect this with the fact that, just before he sought death, he replied to the servant, Jeanne Viguiier, when she bade him warm himself in the kitchen, with the words, "Je brûle." We may here note, as a rare instance of perversity in false accusers, that the prosecutors of the Calas family, officially describing the dead man as "sad and melancholy," attributed that state to his fear of being murdered by his relatives.

The youngest son, Pierre, whom the capitoul David de Beaudrigue directly accused of taking a leading part in murdering his brother, need not detain us long. He deserves boundless pity for his share in the sufferings of the family, but he cannot claim praise for heroic endurance. His intelligence was limited and his character weak. He recognised in a lowly spirit his

own deficiencies. During his confinement in a monastery he abjured his faith under the influence of fear. He fled as soon as the doors were opened, and hastened to retract his pretended conversion.

We must now give some account of the fifth person arrested by order of David de Beaudrigue. This is young Lavaysse, the man in a grey coat, wearing a sword—the *porte-épée*, as the gossips of the Rue des Filatiers styled him.

François Lavaysse, born at Toulouse in October, 1741, was not yet twenty years of age. His family, which had been ennobled, held a good position. He was the third son of Maître David Lavaysse, then one of the most eminent barristers in the south of France. He was a Protestant, as were all his children, but he had complied with the law as to "acts of Catholicity" required for admission to learned professions. Of rare learning in the law, and sometimes admirably eloquent, he was a man utterly wanting in energy and endurance under misfortune, and when he was smitten by the blow levelled at his son, he did not venture at first to defend him except in secret.

François Lavaysse, desirous of entering the French commercial marine, had been sent to Bordeaux to receive instruction in pilot work and in English, and to spend some time with a shipowner. At the time of the tragic event, he was about to leave Bordeaux for Saint Domingo, in the West Indies, to enter on a new career of business under his uncle, agent for a large estate, and he had returned to Toulouse to bid farewell to his family. All testimony shows the young man to have been of very amiable character, honourable and upright in all points. He reached Toulouse on the evening of October 12, and found his father's town house, in the Rue Saint Rémézy, closed. The family were at the country seat. He then made his way to the abode of Monsieur Cazeing, to whom he was conveying letters and who was as intimate with his parents as he was with the Calas family. This family friend gave him supper and a bed. On the morrow heavy rain prevented him from going out until noon. As soon as it was fine he went in search of a horse for hire, in order to go over to Caraman, his father's country abode. He could find none, in consequence of the press of

work for the vintage at that time in progress. About four o'clock in the afternoon, as he passed the shop of Calas, he saw there some women belonging to Caraman. He straightway entered, asked the peasant-women for news of his family, and stated his difficulty. Pierre Calas offered to aid him in a fresh search, and the father, Jean Calas, invited him to supper.

It is somewhat difficult for the accusers to explain how it was that a man who had resolved on murdering his son that very evening could invite a comparative stranger to have a share in or be a witness of the crime.

Lavaysse and Pierre Calas hurried about the town in search of a horse for hire, but without success. Towards seven o'clock they accompanied the peasant-women of Caraman to the inn whence they were to start for home. Lavaysse then went to inform Cazeing, his host of the previous day, that he was to sup with the Calas family, and returned to share the meal at which he was to have his last hour, for many a day, of freedom and safety. It seems impossible, but it is true, that this worthy, well-conducted youth became, in the lurid light of religious bigotry,



in the poisoned minds of Catholics at Toulouse, an executioner, a strangler, commissioned to come from Bordeaux by the Protestants of Toulouse for the dispatch of Marc-Antoine Calas. It was nothing, in the scale of justice as held by the wretches who accused him, that he thrice quitted and thrice returned to the house of Calas—the first time, after running to fetch the surgeon Camoire, whom he found from home; the second time, after having found Cazeing; the third time when he brought Monyer and Savanier. Thus it is that, in the imagination of such men as David de Beaudrigue and the Catholics of Toulouse, a murderer takes his measures to escape.

The death scene now demands our notice. When Lavaysse returned for supper with Pierre Calas, after they had scoured the town together in search of a horse for hire and seen the country-women safe to the inn, Pierre pulled the door of the house after him as he entered last, and it closed by its own weight. In this circumstance the accusers saw premeditation of crime. The simple fact was that the Calas, like other shopkeepers in the town, were in the habit of closing

the doors at meal-times. The two young men ascended to Madame Calas' room, where she was with her husband and the eldest son, Marc-Antoine. Lavaysse described the latter as sunk in his elbow-chair, with his head supported by one hand, and paying no heed to them on their entrance. At table he ate little, drank several glasses of wine, and, when dessert was put on, rose and went out according to his custom. About two hours passed away. Madame Calas, with some embroidery-work in her hands, conversed with her husband and Lavaysse. When that young man was about to leave, it was found that Pierre had fallen asleep. They awoke him, but he was ashamed of the fact of sleeping, and would not admit it. They all "chaffed" him on the matter, with loud laughter, and the party separated in high good-humour. It was their last gleam of joy! Death was already in the house, and his presence was about to be known.

It was then between half-past nine and ten o'clock. Lavaysse went downstairs, accompanied by Pierre, and was the first to make the very natural remark which led to the discovery of the corpse of Marc-Antoine. The door of

communication between the passage and the shop was open. Was it due to the servant's carelessness, or had any one from outside entered the shop? Pierre entered, in order to ascertain. His friend followed him, and both uttered cries of horror when they found Marc-Antoine hanging to the door which opened from the shop into an inner room called the warehouse. On the two leaves of this folding-door, as it stood open, the young man had placed crosswise one of the billets or large round sticks, flattened at one end, with which bales of goods were fastened tight. To this bar of wood he had hung himself with a rope in a double running-knot. He was in his shirt-sleeves. It was observed later that his hair was neither ruffled nor his clothing in disorder. The police officers found his coat of grey cloth and his nankeen vest placed on the counter, carefully folded, a strange detail which clearly proves, not only a voluntary death, but the cold, slow deliberation with which a long-premeditated suicide is effected. Pierre took hold of his brother's hand : this act caused the body to swing. The two terrified young men at once ran off, calling for help. At these cries the unhappy

father came down hurriedly in his dressing-gown. Neither of the two, Pierre and Lavaysse, had thought of cutting the rope. Calas ran to the body, and seized it in his arms. The corpse being thus raised, the bar of wood fell to the ground. The father at once laid his son's body on the floor, and took off the rope by loosening the running-knot. At the same moment he cried to Pierre, "In God's name, run to Camoire!" (the neighbouring surgeon). "Perhaps my poor son is not quite dead." On this, Pierre and Lavaysse ran out, the first returning very soon with Gorsse, pupil (as we have seen) of the surgeon.

They found the mother leaning over Marc-Antoine, rubbing his temples and vainly trying to make him swallow some spirit. The mouth kept closing of itself as if by a spring. Gorsse at once saw that help came too late. He took off the cravat, saw the mark of the cord round the throat, and declared that Marc-Antoine had died by strangling or hanging. At that moment Pierre lost his head. He went out in a bewildered state "to go," as he said later, "to seek advice everywhere." He knew not what

he was doing, and his father recalled him to his senses by saying, "Don't go and spread the report that your brother has made away with himself; save, at least, the honour of your miserable family!" This advice of concealment had fatal consequences, but it was not without excuse in the barbarous legislation of the time concerning suicide. It was based on the Roman law that "a self-slayer's body must be cast forth unburied," a sentence which involved confiscation of all his property to the imperial treasury. Time had added to the rigour of this decree. The dead body was brought to trial like a living person. In case of condemnation, the body, absolutely bare, was dragged along the streets on a hurdle, face to the ground, amidst the yells of the mob, who often defiled it with mud or mangled it with hurled stones. The body was then hung on a gibbet, and the property of the dead person, if any existed, was confiscated to the Crown.

The only other details of events on the fatal evening that possess any interest, just preceding or following the suicide of Marc-Antoine, are derived from a letter of Madame Calas to an

intimate friend, giving a full and exact account of all that occurred. We there learn that, when Lavaysse had accepted the invitation to supper, Madame Calas went downstairs from her sitting-room to give some orders to the servant. She found her eldest son, Marc-Antoine, sitting alone in the shop, in a state of reverie, and asked him to go and fetch some Roquefort cheese, an article which he was wont to buy for the family, as he was a good judge of its quality. He executed this commission. We also learn that, at supper, when Pierre was giving some account of the antiquities at the Hôtel de Ville in Toulouse, his brother "took him up," as not describing them with due accuracy. When Marc-Antoine left the table he went to the kitchen, on the first floor, near the dining-room, and it was then that the servant, Jeanne Viguier, asking him if he were cold, and saying, "Warm yourself," received the strange reply already noticed—"Quite the contrary, I am burning hot" ("Je brûle"), on which he went out and was seen, by any of the family, alive no more. When Madame Calas heard the cry of alarm below, not distinguishing any words, and her husband ran down,

she remained, trembling, in the passage above, not daring to descend. In a minute or two she resolved to see for herself "what the matter could be," but found young Lavaysse at the bottom of the staircase, and was by him begged to return upstairs, and "she should know." Attended by him, she returned to the dining-room, and there he left her. In a short time Madame Calas, unable to remain quiet in her state of uncertainty, called to the servant (who was in the kitchen close at hand), "Jeannette, go and see what is the matter below. I don't know what it is. I am all trembling." "I put a candle in her hand, and she went down ; but when she did not return to give me any account of what was going on, I went down myself." The poor mother then tells how, "not believing her son dead," she ran to get some "Queen of Hungary's water," thinking him seized with illness.

We may close this account with the graphic details that, when the surgeon declared the fact of death, Madame Calas exclaimed, "That cannot be !" begging him to examine the body again, and that her attention was divided, in those fearful moments, between the sight of her dead

son on the one side and her living husband on the other, leaning over the counter in a desperate state of grief. It was in this condition that, as already related, "Justice found them" (in Madame Calas' words) and the arrests took place.

The antecedents of the accused persons and the details of the tragic event at the Toulouse place of business have now been laid before our readers with absolute precision. It is for them to say whether, being jurors at a coroner's inquest in such a case, with such evidence laid before them, they would return a verdict of suicide or murder.

The falsehood, or concealment of truth, suggested by Jean Calas to Pierre, under the natural impulse of seeking to save the honour of the family, was for the miserable father a sentence of death. There was never a more striking or terrible proof of the maxim "Honesty is the best policy." A single evasion of truth of the most excusable kind, as dictated by the best intentions and the most cruel circumstances, proved sufficient to plunge the Calas family and their friend, François Lavaysse, into an abyss of misfortune. Pierre Calas, promising obedience to his father's injunction, hurried to the house of Cazeing,



found Lavaysse there, and instantly begged him to deny that Marc-Antoine's death was a suicide. The young man consented, and, in the result, all the persons concerned declared at first that they had found Marc-Antoine lifeless on the floor of the shop, as the capitoul David de Beaudrigue and the other witnesses saw the body. The statement was true, so far as the two women, Madame Calas and her servant, were concerned. It was false, as an assertion coming from the father, Jean Calas, his son Pierre, and Lavaysse, who had all seen the body hanging on the door at the rear of the shop. The first step, falsehood, was unhappily followed by perjury on the part of the accused persons. When they were questioned on oath, on their arrival at the Hôtel de Ville, they persisted in the statement. They were thus arming their foes against them. The statement was one that explained nothing, and the magistrates easily concluded, not only that Marc-Antoine Calas had died by strangling or hanging, but that his relatives must know more of the matter than they had told.

It may be thought that the case against the persecutors of the Calas family has now collapsed ;

that, if the innocent suffered, it was their own fault in having tied their accusers up to the theory of murder, leaving no alternative of suicide, since a man, after hanging himself on a door, could not lie down on the floor and thereby give an appearance of murder. Not so. It has been shown how strong the temptation to concealment of the truth was with the Calas—a temptation chiefly due to the cruel laws of the time. We must now observe that (as Maître Sudre, counsel for Jean Calas, showed) the false statements on oath were not made in a court wherein the accused were legally arraigned; the proceedings at the Hôtel de Ville were inchoate and informal. The accused persons, when they became formally accused, had come to their right minds. Their integrity of character, their habitual truthfulness, asserted themselves in full force. The voice of prudence, as well as the command of truth, was heard. They all, on this occasion, told the full and exact truth, and this without any variation of details, although they were all at this time separately confined and had no communication with each other. The false statement had been concerted when they were free. The truth was

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told at last under circumstances which proved that the statements made could not be other than true. It is almost needless to state that the prosecution saw in the final declaration only a second "system of defence," as false as the first, and, in fact, a step taken towards confession of the crime.

We must here explain that, in the methods of criminal justice then prevailing in the south of France, there was no public trial, nor pleadings on the one side and the other. The accused persons never saw their counsel and had no communication with him, not even knowing what he wrote for their defence. The legal inquiry consisted solely in *interrogatoires*, or questionings of the accused ; *récolements*, or verifications, by reading over the *procès-verbal* (proceedings by word of mouth at the *interrogatoires*), the document being finally signed by the defendant ; and *confrontations*, or the bringing face to face of each accused person with each witness.

There is no need to go into details concerning the "trial," if trial it can be called, of Jean Calas. It has been seen that no direct evidence whatsoever concerning the death of Marc-Antoine

could be obtained outside the circle of the accused persons. After the examination of thirty witnesses not a single proof tending to conviction had been found. It was time for bigotry to assert its existence and power. Amongst the usages of the *ancien régime* in France in criminal cases was a practice of the *Procureur du Roi* or Crown solicitor, in his search for evidence. He drew up a statement of "facts," known or presumed, for which he wanted the support of witnesses, and applied to the ecclesiastical powers in order that an advertisement, or *monitoire*, might be read in the pulpit and posted in the streets, to give notice to all persons who "*might know, by hearsay or otherwise,*" the matters in question, that, if they did not come forward and declare them either to justice or to their parish priests, they would incur the penalty of excommunication. If the publication of this notice did not have the expected effect, the same *monitoire* was "fulminated," or repeated in the churches with frightful threats of infernal penalties against all who, having any knowledge, failed to make deposition. It is only fair to say that this mode of procuring testimony was

addressed equally to witnesses in favour of and to those against the accused. Inculpatcd persons were not, it must be remembered, allowed to call any witness on their own behalf, nor was any witness who voluntarily tendered himself admitted to examination. It is evident that the Crown lawyer, by partiality in drawing up his "facts" for the *monitoire*, might exclude all depositions in favour of the accused. This is precisely what occurred in the Calas case, and it makes an end of a reproach brought forward again in recent days that the family produced only one witness to prove that Marc-Antoine had remained a Protestant, while a crowd of witnesses (all perjured, we may remark) attested the contrary. By the *monitoire*, all parish priests, curates, and priests in discharge of Church functions were made, in fact, examining magistrates, with a bias for the prosecution in a case where Protestants were accused and the vast majority of the people were bigoted Catholics. The state of public opinion was such that few Catholics would be bold enough to say a word on behalf of the accused, and no Protestant could hope to be believed, as a member of a

Church which, according to a then accepted and most atrocious calumny, bade its devotees to put to death all Protestants who embraced the Catholic faith, and appointed special executioners to carry out the punishment. The air was alive with abominable charges against Protestants, asserting other cases of murder in Languedoc perpetrated on Huguenots who had become Catholics. The capitouls, the Parliament, the clergy, the brotherhoods, the great mass of the people of Toulouse, were all banded against one hapless and helpless family.

We have already explained the usual criminal procedure depriving the accused person of the aid of counsel or advocate, and conducting matters separately and secretly between the culprit and each different witness in presence only of the judge and his clerk. There were other antiquated usages all furnishing weapons for the accuser against the accused, who was at every point placed at a disadvantage in the contest.

It is clear, moreover, to any candid mind that Lavaysse and Jeanne Viguier, as being impossible sharers in the supposed crime, should have been at once released. This course was not adopted by the

prosecutors because they would both have then been able to claim a hearing as witnesses to the fact that they had known all the movements of Jean Calas, his wife, and their son Pierre; Lavaysse as seated at table with them, and Jeanne as serving the supper and passing to and fro between two adjoining apartments, the dining-room and the kitchen.

A base means was adopted to induce Lavaysse to turn against his friends. His father, David Lavaysse, whose weakness of character has been mentioned, allowed himself to be persuaded by the prosecution that the Calas were, beyond doubt, guilty of the alleged murder. He was assured that ample proofs thereof had been secured, the fact being that the prosecution were at their wits' end to find the beginning of a vestige of proof, as legally understood. The miserable man, being allowed an interview with his son, tried hard to induce him to save himself from torture and death by declaring that the three Calas had strangled Marc-Antoine. It may be very charitably hoped that the father was then sincere and really deceived. This vile effort of the prosecutors wholly failed. The younger

Lavaysse, with imperturbable frankness, repeated his constant assertion that no murder had been committed at all. We should add that the man, Monsieur David Lavaysse, who had professed his belief in the guilt of the three members of the Calas family, afterwards drew up a secret memoir, still unpublished and existing in the historical section of the Archives in Paris. In this document are found, firstly, a statement that Marc-Antoine Calas was "a young man of very gloomy character, and on that day (the day of the tragedy) more brooding (*rêveur*) than usual"; secondly, an account of the popular excitement, in which the accusation of crime is styled an *imposture*, with a statement that "some sensible (*sages*) people mourned over *the delusion into which the town had been cast by its magistrates*"; and thirdly, an argument as to "the moral impossibility of five monsters, a number that could scarcely exist at one time in the whole kingdom, being found together in a single house—of a father, a mother, a brother, a friend, and a Catholic servant having united in staining their hands in the blood of one who was son, brother, friend, young master all in one, and of their



having, after a deed so monstrous, sat down calmly to supper. He also shows the absurdity of imagining that five such persons should have chosen as the scene of a premeditated murder a shop situated in the busiest and most populous street of the town, and, as the time of the murder, the hour in the day when the street was most thronged with people. He also insists upon the interest which the magistrates—the capitouls of Toulouse—had in obtaining the condemnation of the five accused persons, in order to prevent any of them from instituting proceedings for abuse of power, imprisonment without warrant, and various illegal measures.

To make our story short, Lagane, the *Procureur du Roi*, or Crown attorney, on November 10, 1761, demanded sentence to the effect that Jean Calas, Madame Calas, and their son Pierre should be hanged, their bodies be burned on a pile of wood expressly prepared, and the ashes be flung to the winds ; that their property should be confiscated, and that young Lavaysse and Jeanne Viguiet should be present at the execution ; that Lavaysse be sentenced to the "galleys" for life, and that Viguiet should be imprisoned

for five years in the Hospital de la Grave in Toulouse. The capitouls, however, unable to agree on the punishment, decreed that the most rigorous torture should be applied to the three Calas, and that Lavaysse and Viguier should be "presented to torture" without its being applied to them. These wicked men hoped thus to obtain the avowals and proofs which they had hitherto vainly sought. They had committed a gross illegality in sparing the two latter the actual pain of torture: such remission lay within the powers only of the highest courts. The accused persons at once appealed from this decree to the Parliament of Toulouse. The *Procureur du Roi* also appealed to the same higher court on the ground of too great leniency in the sentence. The condemned persons were forthwith transferred from their cells at the Hôtel de Ville to other quarters at the Palace, and were all put in fetters. On December 5 the Parliament annulled the decree of the capitouls, and placed the further prosecution in the hands of one of their counsellors, Monsieur Pierre-Etienne de Boissy.

The Parliament of Toulouse was a body already infamous through the violence of its proceedings

and its encroachments on the legal limit of its powers. In the present case one member only, Monsieur de la Salle, had the good feeling, sense, and courage to assume the defence of the accused and oppressed persons. He maintained their innocence wherever he went—in the drawing-rooms of Toulouse, before the "mob of the *salons*," an audience which, with its "culture," is only the more guilty when it is so far blinded as to share the passions and the errors of the mob in the streets. "Ah, sir," cried one of these people one day to La Salle, scornfully interrupting his remarks, "you are all '*Calas* !'" "Ah, sir," was the instant reply, "*you* are all mob !" (*peuple*). This excellent man had the glory of maintaining his single opinion against a whole town in a state of madness—people, judges, priests. Maître Sudre, counsel for the Calas, gained undying honour for himself by the ability and the courage with which in three successive "memorials" he upheld their cause against the Parliament of Toulouse, the clergy, the brotherhoods, David de Beaudrigue, and Lagane. In behalf of his clients he confronted the people of Toulouse, the devotees, the monks, the nuns, the magistracy.

His boldness cost him for several years his whole practice at the bar. No litigant would venture to entrust his interests to a counsel so compromised. At a later day he failed to be elected as a capitoul, on account of his having defended the Calas.

We now come to inquire what evidence of any value was heard by the Parliament against the accused persons. Not one word. There was nothing that was not mere hearsay, or evident mistake, or manifest falsehood and invention. Not a circumstance was adduced to show that the five accused persons, or any of them, could have had a hand in murdering Marc-Antoine Calas ; not a circumstance to show that he could not, by the use of a stool placed between the two open leaves of the door, have hanged himself with the rope, as found, in two running-knots, and with the bar of wood. Everything pointed straight to suicide ; nothing pointed to murder. Therefore, in the logic of the Toulouse Parliament it was clear that a murder had been committed ; just as in the famous modern French courts-martial it was evident that a man wrote a document because the handwriting differed from his in several important points.

We conclude the demonstration of the innocence of the alleged murderers by destroying the only motive thereto put forward by the prosecution—*viz.* the alleged conversion or meditated conversion of Marc-Antoine Calas to the Catholic Church. The servant, Jeanne Viguiet, who would have been the first to know of any such act or intention on the part of Jean Calas' eldest son, energetically denied that he ever showed any leaning in that direction. Not an object valued by Catholics was found in his possession—not a book of prayers, nor an image, nor a cross, nor a relic, nor a medal, nor a string of beads. The examination of the pockets of his clothes at the time of decease, the careful search of his wardrobe and chest of clothes, revealed nothing of the kind. The copies of indecent verses found on him were carefully destroyed by David de Beaudrigue the capitoul, as being unsuitable for the *rôle* of a Catholic martyr, through Protestant fanaticism, already conceived for him by the accuser. Not a priest could be found who had heard from Marc-Antoine Calas any abjuration of the Protestant faith, or who had ever received him to confession or to "first communion," or

who had ever given him any of the instruction in the faith always sought by those who meditate "conversion" from one Church to another. There were many lying inventions of Catholics who pretended to have seen him at Catholic worship. There was none that could bear examination. On the other hand, we have seen Marc-Antoine's reply to his friend Maître Beaux, that "he could never reach the Bar because he would do no Catholic act"; and we refer, lastly, to the evidence of Canon Azimond, a Catholic of high character, who well knew the Calas family, to the effect that "Marc-Antoine was very far (*très-éloigné*) from turning Catholic." On the contrary, to the very last he made public profession of Protestantism, in attending assemblies, funerals, and public worship; in eating meat on Fridays, offering family prayers, reading out a sermon on Sundays, and in other ways.

We pass to the tragical end of the innocent Jean Calas.

Of the thirteen judges, seven voted for death. Three were for torture only, reserving their right of voting for death at a later stage; two desired a verification, above all, of whether it were

possible or not for Marc-Antoine Calas to have hanged himself between the two leaves of the folding door with the wooden bar and the cord which were at the office. One judge only voted for acquittal. Incredible as it seems, the majority of the judges actually refused to allow the verification demanded by two of their body to be made. It was easy enough ; the point could have been settled in half an hour. The annals of "justice" contain no more abominable instance of prejudice and levity. The majority of seven in thirteen was not sufficient for a capital sentence. After long debate, another judge, who had been thought favourable to the Calas, joined the seven and gave the needful majority. We will not linger over the atrocious sentence, which was carried out on March 10, 1762.

Jean Calas, the father of the man who had beyond doubt slain himself, was put to death as his murderer with every circumstance of ignominy and horror. After undergoing the "ordinary and extraordinary torture," in order, vainly, to extract a confession, he was "broken alive on the wheel." In other words, he was bound, face upwards "towards heaven, to live there in

suffering and repentance, etc., as long as it should please God to give him life," on a wheel, after being smitten with an iron bar by the executioner to the breaking of his arms, legs, thighs, and reins. His remains were then burned and the ashes scattered to the winds; his property was confiscated, with reservation of a third portion to his wife and children. A hostile official personage testifies that the victim underwent his sentence with "inconceivable firmness." At each blow of the iron bar he uttered only a single cry. During the two hours that he remained alive on the wheel he talked with the priest in attendance on any subject save religion, declaring that all he might say thereon would be useless, and that he chose to die a Protestant. As he passed on the car to execution the appearance of the old man, exhausted by torture, his simple manner, his courage, his calmness, aroused emotion in the crowd, to whom he cried, "I am innocent!"

During the two hours of agony on the wheel, with all his chief bones broken, Calas uttered not a murmur, not a word of anger or revenge. He prayed God not to impute his death to his judges, and said, "Doubtless they have been



deceived by false witnesses." Exhorted to name his accomplices, he cried, "Alas! where there is no crime, can there be accomplices?" A few moments before he died Père Bourges conjured him in the most solemn terms to "render homage to the truth," that is, by confession of the crime. Calas answered, "I have said the truth. I die innocent. But why should I complain? Jesus Christ, who was innocence itself, chose to die for me by a yet more cruel punishment. I have no regret in quitting a life whose end, I hope, is going to lead me to eternal happiness. I pity my wife and my son; but that friend, the son of Monsieur Lavaysse, to whom I meant to show courtesy in asking him to supper—ah! it is he that increases my sorrow!"

Suffering for his family seemed but natural to the simple-minded Jean Calas. There could be no more happiness for them after the suicide of the eldest son and all its grievous results. The unmerited woe of one not connected in blood, of a friend, a young man barely twenty years old, who had come under their roof only to be engulfed in the family's trouble,—this thought saddened the heart of the unselfish sufferer. Happier, surely,

was Jean Calas in his death, broken to pieces, degraded for the time, dishonoured in his memory, than the capitoul David de Beaudrigue, the foremost of the foes of the Calas family ! In the vigour of his life, at the height of his ambition, this hasty and besotted fanatic was soon to be plunged into remorse—an object of execration to the human race, pilloried in public opinion by the avenging pens of the first writers of the age, displayed on all the stages of the time in every language of civilised man as the type of an iniquitous and bloodthirsty judge ; to end his career at last, by his own hand, in a fit of homicidal mania.

The murderers of Jean Calas next strove to turn to account, with his alleged accomplices, the terror which his fate might inspire. They were removed from their cells at the Palace to the “condemned” cells of the Hôtel de Ville. Their guards were doubled, and at last they were deprived of the use of knives and forks and of every object which might aid a suicidal purpose, as if the law were carefully reserving them for its own method of dispatch. Madame Calas, the widow, was infamously treated. The

gaoler constantly used disgraceful language. During illness she lay in a cell where the walls dripped with moisture. Her effects were stolen, and five or six priests or monks relieved each other in attempts to drive her to confession by threats and by other methods usual with cowardly scoundrels of their class. Under threats of torture Pierre Calas and Lavaysse abjured Protestantism, and by a refinement of cruelty the son was taken by his confessor to the mother, in order to announce his conversion. They hoped for an explosion of anger from her which might serve their cause. She was alive to the snare, and heard the avowal of Pierre unmoved, averting her head without a word of reply.

The constancy of Jean Calas was of great service to his widow, his son, and their two companions in prison. Nothing had been confessed. The aim of his horrible punishment had missed the mark. That which was meant to confound the accused had become a strong proof in their favour. Popular opinion began to be divided. Jean Calas had not died like a parricide or like a fanatic. If he were innocent, so were they all; and even if they were guilty, where

was the hope of proving it? The Procureur-General, Riquet de Bonrepos, had, however, the implacable courage, or, rather, the atrocious effrontery to demand, on the day following the death of Jean Calas, that his widow, his son, and Lavaysse should be hanged, after having made, like the father, the *amende honorable*, a ceremony which consisted in going, clad in shirt only, with head and feet bare, from the prison to the cathedral, and there, in front of the main door, kneeling with a large lighted candle of yellow wax of two pounds' weight in the hand, asking pardon of God, of the King, and of "justice" for misdeeds. This amiable high official also required that the servant, Jeanne Viguier, should "assist" as an eye-witness at their execution, and then be imprisoned for life at the hospital. The counsellor to the Parliament was less severe. He proposed that Pierre Calas, as the chief murderer, should be sent to the "galleys." Several judges voted for acquittal, others for banishment for life, and this was finally agreed on. Jeanne Viguier was unanimously acquitted, as "a good Catholic." Madame Calas and Lavaysse were placed, in the technical

phrase, *hors de cour* and *de procès*, a decision equivalent to a verdict of "Not proven." Nothing could be more absurd than this decision, given on March 18. If Pierre Calas were the chief murderer, he ought to have been put to death, not banished.

These wiseacres of bigotry and injustice thus established, when they sentenced the son to a lighter penalty than his sire, and acquitted the widow, Lavaysse, and the servant, that Jean Calas, a man of sixty-four years, had, single-handed, strangled his son of twenty-nine, without the mother, the brother, the friend, or the servant, who were in the house at the time, having any knowledge of the deed. Such is the logic of false accusers, so thorny are the paths of fanaticism unto them that walk therein. The decision of March 18 was in fact a censure on that of March 9.

The "banishment" of Pierre Calas was a form. Conducted by the public executioner outside the Porte St. Michel, he was attended by a priest, who forthwith led him again inside the town by another gate, and then to the Jacobin monastery. Père Bourges, the priest who had received the

last words of Jean Calas, waited for Pierre at the monastery, and told him that if he practised the Catholic worship his sentence of exile would be reversed. The young man fell into the snare, and found himself a prisoner always kept in view. After four months of captivity he made his escape on July 4, leaving a letter for Father Bourges, in which he thanked him for his kindness and told him to judge his state of mind by his escape. In a short time, at a date now unknown, Madame Calas and the servant were released. Lavaysse went out of his prison about March 20, ten days after the execution of Jean Calas.

The judicial murder of the father, only three weeks after those of Rochette and of the brothers De Grevier, struck terror into the Protestants of Toulouse. Many families left the city as soon as they could dispose of their property. The emigration of Huguenots recommenced in all parts of Languedoc, and they sought in foreign lands the freedom and safety denied to them in their own. The country lost good manufacturers and farmers; the peace of desolation, for Protestants, reigned in Toulouse.

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The avenger was at hand. A man named Voltaire, a mere writer of books, plays, and poems, was living at Ferney, close to the borders of France and Switzerland. Such was, however, his skill with the pen that he ranked as an European potentate. "His incomparable power of covering whatever he hated with ridicule made him an object of dread even to the leaders of armies and the rulers of nations. Of all the intellectual weapons which have ever been wielded by man, the most terrible was the mockery of Voltaire. Bigots and tyrants who had never been moved by the wailing and cursing of millions turned pale at his name. Principles unassailable by reason, principles which had withstood the fiercest attacks of power, the most valuable truths, the most generous sentiments, the noblest and most graceful images, the purest reputations, the most august institutions, began to look mean and loathsome as soon as that withering smile was turned on them." Many were the uses to which that rare talent was turned. "Sometimes it was exercised against rivals worthy of his esteem ; often was it employed to crush and torture enemies worthy only of silent disdain ; often was

it perverted to the more noxious purpose of destroying the last solace of earthly misery and the last restraint on earthly power; often, also, was it used to vindicate justice, humanity, and toleration, the principles of sound philosophy, the principles of free government."

Those who admire literary genius and are also believers in the Christian religion must lament that this great man assailed the most sacred things and beliefs with ignorant levity, bad faith, and impious cynicism. We may, however, urge in his excuse that he was an old pupil of the Jesuits, and that he was not likely to imbibe from them a reverence for holy things. He constantly confused the hateful abuses which he had incessant reason to denounce, to fight to the death, and the religious or moral truths which he involved in the same ridicule. Enormous as is the wrong which he perpetrated, it must ever be proclaimed that his unwearied efforts on behalf of the Calas family, without which the hour of their restoration to honour would never have sounded, afford a noble example of devotion to the cause of humanity, justice, and tolerance. It is by such acts of moral government that the world is made



to advance ; and in the midst of his literary achievements Voltaire had good reason to say, as he thought of the Calas family and of others whose wrongs he had repaired, "J'ai fait un peu de bien ; c'est mon meilleur ouvrage." He was the literary monarch of his time, and often used his sway, as we have seen, for evil ends. But when he made use of his vast powers to spread great and immortal principles, which came to him, without his knowing it, from the Gospel which he assailed ; when, not content with having proclaimed these principles, he practised them himself and forced them into beneficent action around him and in the highest seats of authority, deep gratitude is his due,—a recognition of service to mankind, the withholding of which is a proof of iniquitous and thankless narrowness of mind.

Voltaire was the leader of a class of sectaries, of scoffers at Christianity as it was propounded and practised by the Catholic Church in France. "The real secret of his strength and of that of his compeers lay in the truth which was mingled with their errors and in the generous enthusiasm which was hidden under their flippancy.

They were men who, with all their faults, moral and intellectual, sincerely and earnestly desired the improvement of the condition of the human race ; whose blood boiled at the sight of cruelty and injustice, who made manful war with every faculty which they possessed on what they considered as abuses, and who on many signal occasions placed themselves gallantly between the powerful and the oppressed. While they assailed Christianity with a rancour and an unfairness disgraceful to men who called themselves philosophers, they yet had, in far greater measure than their opponents, the Jesuits and the bigots of their age, that charity towards men of all classes and races which Christianity enjoins. Religious persecution, judicial torture, arbitrary imprisonment, the unnecessary multiplication of capital punishments, the delays and chicanery of tribunals, the exactions of 'farmers' of the revenue, slavery, the slave trade, were the constant subjects of their lively satire and eloquent disquisitions. When an innocent man was broken on the wheel at Toulouse ; when a youth, guilty only of an indiscretion, was beheaded at Abbeville ; when a brave officer, borne down by public

injustice, was dragged, with a gag in his mouth, to die on the Place de Grève, a voice instantly went forth from the banks of Lake Lemán which made itself heard from Moscow to Cadiz, and which sentenced the unjust judges to the contempt and detestation of all Europe. The really efficient weapons with which the philosophers assailed the evangelical faith were borrowed from the evangelical morality. The ethical and dogmatical parts of the Gospel were unhappily turned against each other. On one side was a Church boasting of the purity of a doctrine derived from the apostles, but disgraced by the massacre of St. Bartholomew, by the murder of the best of kings, by the war of Cévennes, by the destruction of Port Royal. On the other side was a sect laughing at the Scriptures, shooting out the tongue at the sacraments, but ready to encounter principalities and powers in the cause of justice, mercy, and toleration." Such, in the eloquent words of Macaulay, was the body of which Voltaire was the redoubtable leader. We are now to see how he waged a noble warfare on behalf of the victims of injustice at Toulouse.

Voltaire's first information on the monstrous

treatment of the Calas family, their friend, and their servant, came from a merchant of Marseilles before the end of March, 1762. His name was Dominique Audibert, and, being on his way from Toulouse to Geneva, he went to see the philosopher of Ferney and gave him an account of the trial and execution, assuring him that the accused were innocent. Voltaire, seized with horror, at once and with all his energy took the matter in hand. Religious fanaticism, crimes committed in the name of religion, were peculiarly hateful to this great man, who never ceased to believe in God, and now placed himself at the service of His outraged creatures. He saw clearly that bigotry had been at evil work, whether Jean Calas were innocent or guilty, and he wrote to his friends d'Alembert and d'Argental with a strong expression of his views. In all directions he applied for information, being resolved to get to the bottom of the matter as a first step towards redress for the surviving victims of injustice. He learned that Donat Calas, a son of Jean, a youth of fifteen years, was apprenticed at Geneva, whither he had fled from Nîmes, as soon as he knew of the family troubles. Voltaire

repaired from Ferney to his house *Les Délices*, in order to question and sound the lad at his ease. In the interests of humanity the innocent child was subjected, in lengthy conversations, to the keen analysis of the most witty and crafty old man of the age, gifted with an intellect of penetrating power. The lad's whole soul lay bare in the end, and the champion of justice was convinced that he came of a family marked, as we have shown, by integrity and honour, by gentleness of character, and by kindly tolerance for people of a diverse religious faith from their own. His mind was made up, and he applied all his wonderful powers to the case, constituting himself a tribunal of appeal from the Parliament of Toulouse. He secretly formed at Geneva a kind of consulting committee composed of a merchant intimate with the Calas family, a Protestant minister, a barrister, and a banker, with whom was sometimes associated a learned lawyer named Tronchin. He put himself in communication with Madame Calas, who was in strict and sad retirement after being deprived of her daughters, and received from her an account of the end of Marc-Antoine, couched in such terms

as fully convinced him of the innocence of all the accused.

From every possible source Voltaire ferreted out further information, being specially aided by the Geneva barrister mentioned above, whose name was De Végobre, a man as rich in legal learning as he was disinterested and devoted in serving the cause of righteousness and truth. The Genevan Protestant minister on the consulting committee, Paul Moulton, the only man perhaps, who remained all his life on most friendly terms with both Voltaire and Rousseau, was of great service in the enterprise.

The task undertaken was indeed formidable. It was needful, for victory, to rouse the public opinion of France and even of Europe against the decisions of the Parliament of Toulouse, and to bring that body to their revocation by their own good will or by compulsion. It was necessary, for such measure of justice as could be done to a dead man, to annul his death-sentence, to restore his good name, and to make all possible reparation to his widow and children. Voltaire appealed to Cardinal de Bernis and to the clever and debauched Maréchal le Duc de

Richelieu. The Comte de Saint-Florentin, a high personage officially concerned against Madame Calas' daughters, whose order of arrest he had signed, was addressed on the whole matter, at the instance of Voltaire, by the Duchesse d'Anville, the Duc de Richelieu, and the Duc de Villars. Official people in high position were assailed from various quarters, and induced by the indefatigable leader in the Calas' cause, or by friends spurred to action by his zeal, to interest themselves in *L'Affaire Calas*. The Duc de Choiseul, Minister of Foreign Affairs, was enlisted on the right side, and Madame de Pompadour promised to speak to the King, Louis the Fifteenth.

Madame Calas, living with Jeanne Viguiier near Montauban, overwhelmed with grief, deprived of her daughters, separated from all her sons, was at first hopeless of redress. Fear for her daughters and for her son Pierre at first paralysed her soul. From this condition, natural enough for a widow in terror for her offspring, Madame Calas was aroused at last by the incessant and energetic efforts of Voltaire, though he himself at times trembled for the issue. His powerful appeals to

her duty, at all risks, to the memory of her dead husband, and to the honour of her children, had their effect. She started for Paris, and arrived there alone in the first days of June, 1762. She was alone, because she was now too poor to have a servant, and the devoted Jeanne was too poor to follow her beloved mistress to the capital. For three years the wretched widow led in Paris the life of one soliciting help in high quarters, exposing her wrongs and beseeching redress. Throughout, Voltaire was a protector full of delicate regard, unwearied in assistance and support. Her arrival in Paris was at once announced by him to the Comte d'Argental, and in all her movements she was prompted and guided, by the man who had entered the lists on her behalf, with incomparable vigour, clearness of view, and richness of resource. D'Alembert, who was on the spot, gave active aid, and Maître Mariette, barrister to the Royal Council, was secured. That Council alone could hear an appeal from a "sovereign court" such as the Parliament of Toulouse, and proceedings were taken up at the sole charge of Voltaire. At the first step a check occurred. Maître Mariette,



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as a condition of acting, was obliged to have a copy of the "trial" at Toulouse. The Parliament, in seeming shame for its decision, forbade all communication of the proceedings, even of the final decision. Young Lavaysse had also arrived in Paris, under a false name; while his wretched father, cowering before the Toulouse Parliament, lived in daily dread of his son's "breaking out" against that body.

With all his efforts, his eloquent letters, his clever "moves," Voltaire could not succeed at all points. He utterly failed to induce the Comte de Saint-Florentin to accord an interview to Madame Calas. Even the astute philosopher was deceived by the cunning of that tyrannical personage. Afraid to openly provoke a man so formidable as Voltaire, he dissembled with him, and letters published since that period prove Saint-Florentin to have remained to the last an active and zealous protector of the enemies of Jean Calas and his widow. The Duc de Villars also failed to be convinced that "thirteen judges could unanimously condemn an innocent man to the worst of punishments." Voltaire, at Geneva, had been both enlightened on the whole matter

and incited to new exertion by the arrival of Pierre Calas. He went to the Swiss city after his escape from the monastery on July 4, and was quickly in communication with his mother's partisan. Sounded, as his young brother had been, in conversations, closely questioned, even spied on with a benevolent purpose by the agents of Voltaire, Pierre Calas stood the test of four months' close observation, and fully convinced the protector of the family of his innocence and truthfulness.

The case of the Calas family was then put before the world in various documents from Voltaire's pen—*Pièces Originales Concernant*, etc. ; a *Mémoire*, under the name of Donat Calas ; a *Déclaration* from Pierre. The indefatigable man next published a work entitled *L'Histoire d'Elizabeth Canning et de Jean Calas*. Therein he dealt with a noted impostor named Canning, who had made her appearance in England during his stay in that country, and had by false charges on oath nearly caused a grievous miscarriage of justice. He compared that case with *L'Affaire Calas*, which he again narrated with ever new resources of style, wit, and sound sense. The

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Duchesse d'Anville, who was, with her children, living at his house *Les Délices*, aided Madame Calas and her children with her purse, and obtained many subscriptions for them from distinguished English and French visitors to Geneva.

By slow degrees Voltaire enrolled in the Calas' cause the Duchesse de la Roche-Guyon, the Duc d'Harcourt, and many others, who made a stir about the matter at Versailles. The enemies of the Calas family were active on the other side, using calumny against Voltaire, but with little success.

At last appeared a *mémoire* on the case drawn up by the able Élie de Beaumont, and signed by fifteen other barristers. With this document in her hand, Madame Calas was instructed by Voltaire to present herself to great personages in Paris, men in high legal posts, including Héron, chief clerk of the Royal Council. Much valuable interest was thus obtained. Other *mémoires* in behalf of the good cause also appeared, and public sympathy was strongly aroused. Maître Mariette presented a "request" to the Royal Council for a new hearing of the case. Three of the ministers, including the Ducs de Praslin and de Choiseul,

had been secured, and at last, on March 1, 1763, the first light of dawn appeared for the victims of intolerance and injustice. The *Bureau des Cassations* of the Royal Council decided that the "request" of the Calas family was "admissible."

Three days before the first anniversary of the death of Jean Calas—that is, on Monday, March 7, 1763—the High Council pronounced on the "request" of Maître Mariette. M. de Choiseul had been chiefly concerned in causing that numerous and dignified body to judge the question of "revision."

By this time the cause of the Calas family had assumed a high degree of importance in public opinion. In all quarters interest was felt in their misfortunes; it was seen that a great reparation was due. It was an extreme and very rare exercise of royal authority to annul the decision of a "sovereign court," and such a proceeding, from regard to the very body whose sentence was to be reversed, had to be conducted as quietly as possible. All the high officials and ministers of State formed part of the assembly, and the Chancellor of France presided. The councillors of State, members of the Bar, the Army, and the Church, were present,

and among the last several abbés and three bishops. The decision was unanimously given by the eighty-four members of the Council who were present, in accordance with the conclusions reached in the report of M. Thiroux de Crosne, the *Maître des Requêtes*. During the sitting the famous Galerie des Glaces, or Hall of Mirrors, at Versailles Palace, was filled with a crowd eagerly awaiting the decision. Madame Calas, in attendance on the ministers, was most courteously received, and addressed by the Chancellor in sympathetic words. On the previous day in the gallery, where she saw the King pass, she was accosted by many personages of rank.

The widow and her daughters, on the great day, appeared before the Council, and then withdrew during the sitting. The eldest daughter at this time became unwell, and remained in a half-fainting condition until the decision of the Council was reached. She was thus found by the members as they quitted their hall. Many came to announce the success of the enterprise undertaken for her mother and the family. Attentions of every kind were

lavished upon her, and many indications of sympathy for the sufferings of the family and of indignation at the injustice perpetrated were shown. Madame Calas, who had been, as a matter of form, "imprisoned" until the decision of the Council was known, was then fetched from the comfortable room in which she had been seated by the fire. Her "gaoler" declined payment for the refreshments which he had supplied, expressing his sympathy and respect. Times were changed since the dark days at Toulouse. Before quitting Versailles, the Queen caused Madame Calas and her daughters to be presented to her, and received them with gracious words of sympathy and esteem.

The bigots at Toulouse were wild with rage, but received some slight consolation from the Archbishop. That prelate accorded to each member of the Parliament the high privilege of having mass celebrated on Sundays in his own house. The joy, the triumph, of Voltaire may well be imagined. In a letter to his friend Damilaville he cries: "My brother, there is then some justice on earth; there is some humanity! Men are not all scoundrels, as some

say." Taking little credit to himself, the great foe of bigots and fanatics lavished praise on the friends who had aided him, and wrote to Madame Calas, pointing out that her husband and family were already "entirely justified in the eyes of the King, of the Council, and of all Europe."

The self-control of Voltaire at this time arouses an admiration not less keen than that excited by his great and benevolent exertions. The cause was not yet entirely won. The Toulouse Parliament might, and did, delay furnishing copies of its proceedings. The successful advocate of justice had ready for publication his famous *Traité sur la Tolérance à l'Occasion de la Mort de Jean Calas*. The appearance of this might be injurious to the widow and children, and he suppressed it for the time, sending copies only to two or three of the ministers on whom he could reckon, to some councillors of State, to Madame de Pompadour, to Frederick the Second of Prussia, and a few friends on whose prudence he could rely.

We must hasten to the end of this strange, eventful history. After many delays due to the

Toulouse Parliament, the King's Privy Council pronounced a decree annulling their decision. This victory was won on June 4, 1764. Voltaire was receiving from Toulouse anonymous letters couched in the most violent terms, and the Parliament there was reproached for not having caused all the five accused persons to be broken on the wheel. In a letter written at this time the vindicator expresses the opinion that the Toulousians, if they had hold of him, would make him "pay for the Calas," and congratulates himself on his sharpness in settling on the frontier of France, out of their reach. New calumnies were hurled at the persecuted family; new *mémoires* on their behalf appeared. At last, in February, 1765, the first and the most savage of the persecutors was punished. David de Beaudrigue the capitoul was removed from his office.

The first effect of the judgment of the Council at Versailles was the re-trial, in a formal way, of the accused persons. Madame Calas, Pierre, Lavaysse, and Jeanne Viguiet were shut up in the Conciergerie prison in Paris, receiving there visits from many persons of the highest



distinction. Forty *maîtres des requêtes* acted as judges. At six sittings, each of four hours, except the last, which occupied nearly nine hours, the matter was examined in every detail. On March 9, 1765, three years to a day after the condemnation of Jean Calas, the unanimous decision was given. The judgment was at once put to press at the royal printing-house and published in various forms. It "rehabilitated," or restored the honour of, the accused persons and the memory of Jean Calas, ordered their names to be erased from the criminal registers and prison lists, and the present decision to be written therein on the margin. It left them free, as well as all the children of Calas, to claim damages from the persons so concerned, and gave orders for the accused persons "recognised innocent" to be set at liberty. At last the Calas family, their friend, and their servant had obtained justice ; and reparation, tardy indeed, but as complete and as striking as man can render it, when life, the gift of God alone, has been taken, was made to the victims of injustice as stupid, as shameful, and as cruel as history has ever recorded.

His noble work achieved, Voltaire gave way

to transports of delight. When the great news arrived, he hurried with his letters to the young Donat Calas, embraced him with joy, and read over the letters received. He wrote exultingly to Tronchin that "this great example of justice will pare for a long time the frightful claws of fanatics, and will put to silence their infernal voice." To Madame Calas he wrote that "Geneva, like Paris, was applauding her latest judges; that Europe, melted to tears, was blessing the justice at last rendered to the widow." The joy of the Protestants was deep, boundless, pure.

In the midst of congratulations, Voltaire was eager to finish his work on the material, apart from the moral and sentimental side. Madame Calas was a ruined woman. The considerable sums subscribed for her in France, Switzerland, and England, including contributions from sovereign princes, had barely sufficed for the enormous expenses of successive trials, the journeys of all the members of the family and the living of the widow and her daughters. He had looked for a royal gift, and this came through the intercession of the judges, addressed

to the Crown through the Vice-Chancellor de Maupeou. The King, Louis the Fifteenth, awarded to Madame Calas the sum of twelve thousand francs, six thousand francs to each of the daughters, three thousand to the sons, three thousand to the servant, and six thousand for the expenses of travelling and procedure.

The pecuniary position of the Calas family was, however, still deplorable. Their property at Toulouse had been plundered by, or with the connivance of, the guards before and after the condemnation of the father. The creditors of Jean Calas claimed their rights in the property legally confiscated. Madame Calas, with her new resources, paid off all demands and all debts to friends incurred, during the five months of imprisonment at Toulouse, on behalf of the daughters. She continued to live with her daughters in Paris, far away from the scene of her terrible sufferings. In the absence of her sons, she was cheered by the affectionate attention of her young friend Lavaysse, who had obtained employment in a house of business.

In 1770 Pierre and Donat Calas were admitted burgesses of Geneva, without expense, on the

recommendation of the Duc de Choiseul. In the same year Madame Calas, for the first time, saw her benefactor, journeying with Lavaysse to Ferney, eager to see her sons, from one of whom (Donat) she had been parted for nine years. Her meeting with Voltaire was one of joy and deep feeling on both sides. She saw him once more at Paris in 1778, when he went thither to die in the midst of a triumph more exciting, but less real, less noble, than that won by him in *L’Affaire Calas*. In the streets he was hailed, amidst other rapturous cries, by the words, “Vive le défenseur de Calas !” and it was then, as he caught these words, that he turned towards the people and cried, “You wish, then, to smother me under roses !” A few days later, on May 30, 1778, he died, aged eighty-four. The widow Calas survived until April, 1792. Donat Calas, the youngest son, had died at Geneva in 1776, and Pierre in 1790.

We need not follow further the fortunes of the family. Jean Calas, made immortal by his sufferings, his innocence, his heroism, and his vindication, assailed again in modern days by cowardly calumniators of the olden type of

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Catholics at Toulouse, has been, we trust, raised far beyond the reach of further attacks, in the pages which have here placed on an eminence of infamy David de Beaudrigue the capitoul, his colleagues, and the Parliament of Toulouse.



LORD COCHRANE.

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## CHAPTER IV

### LORD COCHRANE

1814

Thomas Cochrane, Tenth Earl of Dundonald, his Descent and Character—Birth and Early Life—Enters the Navy—Early Services—His Wonderful Doings in the *Speedy*—Capture of the Spanish Frigate *Gamo*—He surrenders at Last to Three French Line-of-Battle Ships—Cochrane Exchanged—Naval Abuses of the Time—Commands the *Arab* in 1803—Virtually banished for attacking Naval Corruption—Appointed to Frigate *Pallas* in 1805—His many Prizes—His Vessel knocked about by French Batteries—Returns to England—Chosen M.P. for Honiton—Still at Naval Abuses—In 1807 returned for Westminster—Still at Old Subject—Packed off by Ministry to the Mediterranean—Services under Lord Collingwood—His Part in the Aix (Basque) Roads Exploit—The Unjust Vote of Thanks to his Superior, Lord Gambier, opposed in the Commons by Lord Cochrane—Court-Martial on Gambier—His Acquittal—Cochrane a K.C.B.—He is a "Marked Man" for Tory Ministers—Put on Half-Pay—Still denounces Naval Administration. The Stock Exchange Fraud of February, 1814—How Lord Cochrane came to be accused of "Conspiracy"—The Man De Berenger—Makes Cochrane's Acquaintance—The "Hoax" or Fraud started at Dover and Deal—The Hoaxer comes to London in Postchaise—Gets into a Hackney-



Coach—Had he on then a Green Uniform or a Red?—This the Great Question—Drives to Lord Cochrane's House—Changes his Dress There—This the Sole Connection of Cochrane with the Fraud—He gives the First Clue to the Guilty Man—Absurdity of supposing him a Party to the Fraud—Is put on his Trial, with Others, for Conspiracy—The Coat Question—Evidence Thereon—The only Witness against Cochrane evidently a Suborned Perjurer, as shown by Good Independent Testimony—Lord Ellenborough's Gross Misconduct at Trial—His Disgraceful Charge to the Jury—A "Revised" (Garbled) Report of Trial issued by Ministry to tell against Lord Cochrane in the House of Commons—Conduct of Attorney-General and Solicitor-General—The Red Coat Again—Character of the One Witness against Cochrane—New Evidence obtained after Conviction—Appeal Refused—The Atrocious Sentence—Expulsion from Commons—Re-elected for Westminster—Escapes from King's Bench Prison—Takes his Place in the House—Is taken Thence by Force—Completes his Term of Confinement—Pays his Fine—The Historical Banknote. The Public Men who believed in his Innocence—His Admirable Wife—Her Interview with William the Fourth—In 1832 the usual "Pardon" for an Offence not Committed—Lord Cochrane restored to Navy and his Honours—Created G.C.B. in 1847—Welcomed by Wellington at his Installation—Serves as Commander-in-Chief on North-American Station—His Return to England—Death—Burial in Westminster Abbey—Scene at Funeral—Old Friends and Comrades—The Tribute in *Punch*.

## CHAPTER IV

### LORD COCHRANE

1814

OUR last instance of judicial wrong is taken from British history in the early years of the nineteenth century. It is one due to political and official rancour against an independent and courageous member of Parliament, one of the "Radicals" of his time who dared, from his place in the House of Commons, to assail the gross naval corruption then prevailing.

Thomas Cochrane, tenth Earl of Dundonald, traditionally descended from a breed of Scandinavian sea-rovers, was one of the finest sea-kings, the greatest naval heroes, whom Great Britain has produced. Tall, big, splendid in person, daring, cool, prompt, sagacious, skilful in all the arts and manœuvres of naval warfare, Cochrane lacked only opportunity to have rivalled our immortal

Nelson. Eldest son of Archibald, ninth earl of his line, he was born at Annsfield, Lanarkshire, on December 14, 1775. His father, first a soldier, next a sailor, forsook the career of arms for science, and made therein some notable discoveries. His inventive spirit was reproduced in the son, in the marvellous and daring innovations by which young Thomas Cochrane, after he rose to the command of a ship, performed his marvellous feats. Earl Archibald was ingenious, but not practical. He reduced himself greatly in fortune through chemical experiments, and the son received little education.

In 1788, much against his wish, Thomas Cochrane, in his fourteenth year, became an ensign in the 104th Foot. In 1793 he was allowed, at his earnest request, to enter the Navy, and joined his uncle's ship, the *Hind*, at Sheerness. Under the first lieutenant, a man named Larmour—a rough, fine seaman of the type made immortal by Marryat, a man who had risen by sheer superiority of seamanship from the forecastle to the quarter-deck—the young Lord Cochrane became perfectly intimate with all the minutæ of his profession.

His rashness of character was soon manifested. Being transferred to Admiral Lord Keith's flagship, the *Barfleur*, he became embroiled in an angry dispute over a trifling matter with the first lieutenant, and was accused of hinting at a challenge to his officer. There was a court-martial, at which Cochrane escaped with an admonition.

After serving in the Norwegian fiords, for five years on the North American station, and then in the Mediterranean, the Scottish seaman found his true place at last, in March, 1800, as commander of a crazy little sloop of one hundred and fifty-eight tons, named the *Speedy*, carrying fourteen four-pounder guns and eighty-four men. This craft, in his own words, was "a burlesque" of a man-of-war. The guns were scarcely larger than blunderbusses; and her captain once, in derision, walked the quarter-deck with a whole broadside of shot in his pocket. As the "skipper's" cabin was but five feet high, and he (now in his twenty-sixth year) stood six feet two, the skylight had to be removed.

What will not genius effect? This ridiculous vessel, under Cochrane's command, soon became

the terror of the French on their Atlantic and Mediterranean coasts. In fifteen months she took or retook over fifty privateers and merchantmen, one hundred and twenty-two guns, and five hundred and thirty-four prisoners. Her capture of the Spanish frigate *Gamo*, carrying thirty-two heavy guns and three hundred and nineteen men, remains to this day unmatched in our naval history, in the annals of all naval warfare, for skill, calculation, and daring. Cochrane's own loss in this exploit, which was effected by boarding with a crew of only fifty-four men in all, was only three men killed and eighteen wounded. He always went straight at the enemy, regardless of odds, and threw to the winds all the conventions and traditions of the Service. He would have none of the usual cruiser's habit of hugging the land by day and standing out to sea at night. On one occasion he frightened off a visit from an enemy's ship of overwhelming force by hanging out the quarantine flag. At the capture of the *Gamo* he drove some of the superstitious Spanish crew out of their wits by blackening the faces of some of his boarders.

The *Speedy* was obliged at last, after a long chase and the receipt of two broadsides, to surrender to three French line-of-battle ships. The captain, who received Cochrane on his quarter-deck, refused, like the gentleman and brave sailor that he was, to accept the sword "of an officer who had for so many hours struggled against impossibility." The captured hero was speedily exchanged, and should of course have been promoted, but he was too "insubordinate," which meant that he had a bad habit of speaking his mind about the blunders of his superior officers.

Cochrane then turned his attention to the abuses of naval administration. Politicians, bribed for the purpose, played the game of dishonest builders and contractors, and whole crews of British seamen were half poisoned with bad food or sent to the bottom. In the whole history of war there is nothing more disgraceful than the swindling by politicians and naval contractors during the greatest era of the British navy.

In 1803 Cochrane was appointed to another ship, the *Arab*, described as "a collier purchased into the service for political ends, a vessel which

sailed so badly as to be useless for a cruiser." On this craft he was sent into the North Sea to protect the fisheries. Cochrane himself called this new service "exile in a tub at the expense of the nation."

When Lord Melville became Treasurer of the Navy, his influence caused Cochrane's appointment to the command of the *Pallas*, a fine new fir-built frigate of thirty-two guns. He thus returned to prize-taking in February, 1805, and in April he came sailing into Plymouth Sound with seventy-five thousand pounds of prize-money for his own share and a tall golden candlestick at each mast-head. The *Pallas* was made a mere wreck in May, 1806, by French batteries on the Île d'Aix, and her captain was, on his return to England, chosen by the electors of Honiton as their representative in Parliament. As a Radical member, he followed out his principles by attacking naval abuses, and worked in his chosen field with the utmost energy. In May, 1807, he was returned at the head of the poll for Westminster, and his zealous attacks on naval administration caused a Tory minister to order him off to the Mediterranean, under the

command of Lord Collingwood. He became the terror of the enemy (the French) on the coast of Spain, and such wonderful things did he effect with slight resources that on his return to England he was requested by the head of the Admiralty, Lord Mulgrave, to suggest a plan for the destruction of the French fleet in the Aix Roads, on the west coast of France. The annihilation of the enemy's fifteen sail, carrying eight hundred and forty-eight guns, would have been effected but for the supineness of Lord Gambier, Cochrane's superior on the scene of action. As it was, Cochrane destroyed four ships. He had struck his last blow for England.

Cochrane, having received the Knighthood of the Bath, proceeded to expose Lord Gambier's neglect and incompetence. It was the manner of the exposure more than the act itself which led the rebellious man of genius into trouble. He should have brought his admiral to a court-martial, at which he could scarcely have escaped condemnation. Cochrane adopted, however, the course of opposing the vote of thanks to Gambier in the House of Commons. The admiral was then brought to a friendly—*i.e.* biassed—court



martial, and "most honourably acquitted," and the most immoral and ridiculous vote of thanks ever moved in Parliament was carried by one hundred and sixty-one votes against thirty-nine.

Lord Cochrane was now a marked man in the eyes of the Tory government and party. He was put upon half-pay, but continued his activity, in the House of Commons and outside, in denouncing administrative corruption and demanding its redress. His utter ruin, whenever opportunity should serve, was decreed by his foes.

We have now brought the hero to the point where he was to become the victim of most scandalous injustice. Lord Cochrane had an uncle, Mr. Cochrane Johnstone, living in London. He was a very unprincipled man; and in 1814, towards the end of the great war with Napoleon, he devised a scheme for obtaining money by grossly fraudulent means on the Stock Exchange. There was a Captain de Berenger, an acquaintance of Mr. Cochrane Johnstone's, and in January, 1814, Lord Cochrane met this person at dinner at his uncle's house. At this time the naval warrior had just been appointed by another uncle, Sir Alexander

Cochrane, commanding the British fleet on the North American station, as his flag-captain on board the line-of-battle ship *Tonnant*, then fitting out at Chatham. Sir Alexander had left England in a frigate for his scene of command, and his nephew was engaged in preparing the *Tonnant* for sea. Towards the close of the evening, De Berenger, an officer in the Duke of Cumberland's regiment of Sharpshooters, and a man of much repute for skill in teaching rifle-practice and in pyrotechnics, as an engineer officer, requested Lord Cochrane to take him on board the *Tonnant* in any capacity. Sir Alexander Cochrane had vainly applied to the Admiralty for permission to engage De Berenger, and Lord Cochrane was compelled to reply that he could not grant the applicant's request without authority from the Board. It was in this way that Lord Cochrane became acquainted with the man who was destined to ruin his professional career in the British service.

About midnight on February 20, 1814, a person calling himself "Colonel du Bourg, Aide-de-camp to Lord Cathcart," presented himself at the Ship Hotel at Dover as the bearer of news

from Paris to the effect that Napoleon had been killed in the field of war by Cossacks, that the allied armies were in full march for Paris, and that, in consequence, immediate peace might be looked for. After making this startling announcement he wrote a letter to the port admiral at Deal, hoping that the news would at once be telegraphed, by the semaphores of the time, to London. He thus cunningly made the port admiral the medium of communication with the Government. The pretended Colonel du Bourg was really Captain de Berenger, the agent and accomplice of Mr. Cochrane Johnstone. The intelligence which he brought was false, and had been devised in order to cause a great rise in the public funds, by which the schemers profited largely.

On March 7 the Committee of the Stock Exchange, by public advertisement, offered a large reward for the discovery of the person who had perpetrated the hoax. A report was current that "Du Bourg" had been traced, on the morning of February 21, to Lord Cochrane's house in Green Street, Park Lane. Cochrane was, on March 7, on board the *Tonnant* at Chatham,

and as soon as he heard of this injurious report he hastened to London, and found that rumour was attributing to himself a complicity in the fraud. In order to meet this he instantly made an affidavit, disclosing every particular relative to the visit of De Berenger to Green Street, and also his own previous slight transactions in the public stock. This document furnished the Stock Exchange Committee with their first clue to the guilty persons. It accounted for every act of Lord Cochrane on the day of the hoax (February 21) ; and the only act which could be tortured into any appearance of complicity was that, on the day in question, Cochrane gave, at his house in Green Street, a civilian's hat and coat to De Berenger (a prisoner "within the Rules of the King's Bench"), on his representation that his return to the "Rules" in his uniform would excite suspicion of his absence.

We must now trace De Berenger's movements in London on February 21, as proved at the trial. At Lambeth he dismissed his postchaise, took a hackney-coach, and went straight to Lord Cochrane's house. The latter was then engaged at a lamp factory in the City, superintending the

making of some lamps patented by himself, and ordered for use on the convoy which he was about to take out to North America. Thence he was summoned by a note given to his servant by a military officer waiting in Green Street to see him. The name at the end of the note was written in such a scrawl that it could not be read, and Cochrane supposed it to come from a messenger of his brother, then seriously ill with Wellington's army in the south of France. In two hours' time Cochrane reached Green Street, and found that the writer of the note was De Berenger, as above. It is remarkable that the chief agent in the fraud, on reaching town from Dover, neither went to the Stock Exchange nor to his employer, Mr. Cochrane Johnstone, nor took any measures to spread the false intelligence which he had started at Dover and Deal. It may be assumed that he was afraid to carry the matter through, and went to Lord Cochrane, as the affidavit showed, to make a last attempt at inducing the flag-captain of the *Tonnant* to take him on board, where he might remain concealed until the ship sailed. Failing in this final request, he obtained the civilian's dress from Lord Cochrane, in order to

sneak back to the "King's Bench Rules" in disguise, and lie hidden until matters had quieted down.

It is obvious that, if Lord Cochrane had been a confederate, aware of the hoax, he would have speculated largely, by his personal presence in the City, or through an agent, in the funds of the days previous to the arrival of the false intelligence. No such transaction on his behalf had occurred. It is not likely, moreover, that he would have declined to place De Berenger in safe hiding by taking him on board the *Tonnant*. It was Lord Cochrane's affidavit which voluntarily supplied the only information upon which the subsequent trial was based, and this disclosure forced the Stock Exchange authorities to prosecute De Berenger. Cochrane's affidavit, on the supposition of his complicity in a gross fraud, would have been that of a madman. He had only to remain quiet, and both he and his accomplice would have been safe from detection. De Berenger, partner in a fraud as he was, was not devoid of some sense of honour. If he had been betrayed by an accomplice, he would have been embittered against him. Knowing Lord

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Cochrane to be wholly guiltless, he wrote a letter to him, on April 27, expressing the pain which he felt on finding "how cruelly, how unfairly his unfortunate visit of February 21 was interpreted," and stating that the circumstances and object of that visit had been correctly detailed in the affidavit. There is the strongest reason to believe, from this man's own statements, that he was in communication, before the trial, with certain members of the Tory government of the day for the purpose of implicating Lord Cochrane. Those who know most of the frightful political corruption of that time in England will be most ready to believe what is here stated.

In the result, Lord Cochrane was put upon his trial for "conspiracy," with other defendants, before Lord Ellenborough, Chief Justice of the King's Bench, a strong Tory partisan who, whenever a "Radical" appeared before him as a culprit, was far from holding even the scales of justice.

The malignity of Lord Cochrane's ministerial persecutors was well matched by the miserable meanness of the method employed to secure his conviction. The chief evidence against one of the greatest of England's naval heroes, one of the

noblest of men, lay in his alleged mis-statement as to the colour of a coat. De Berenger, when he appeared as "Du Bourg" at Dover, was clad in a red uniform. In Cochrane's affidavit it was stated that he appeared at the house in Green Street, on February 21, in a green uniform, that of the Duke of Cumberland's Sharpshooters. It was inferred that Cochrane must have had a motive in thus misdescribing the uniform then worn, and that the only motive could be his knowledge of the hoax which had been perpetrated!

What was the evidence as to the colour of the coat worn by De Berenger on his arrival in Green Street? When the traveller from Dover reached Marsh Gate, Lambeth, he exchanged the postchaise, as has been shown, for a hackney-coach. The waterman on the stand said that "he could hardly be expected to recollect De Berenger, as he had only seen him for half a minute." When he failed to recognise him in court, the man was, most unfairly, pointed out to him, and then he said "he thought he was like the man who got into the hackney-coach, but he only saw him for half a minute." The



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next witness was a man named Crane, the hackney-coachman who drove De Berenger from Marsh Gate, Lambeth, to Green Street. In his cross-examination this man swore that the traveller had on "a red coat underneath his greatcoat," stating also that he had "a portmanteau big enough to wrap a coat in." The person of whom the red uniform had been purchased deposed that the purchaser had carried it away from the shop in a portmanteau. It would seem that De Berenger left London for Dover in the green uniform of the Rifles, put on the scarlet uniform at Dover when he was to appear as a staff-officer from the Continent under the name of Du Bourg, and, before arrival in London, resumed his usual dress. Two years later, at another trial, it was proved by witnesses from the Royal Oak Inn at Dover that De Berenger arrived there in a green coat on the morning of February 19, 1814, the day before the starting of the hoax. We must, however, state that Crane, who would not, any more than the waterman, be sure that De Berenger, as he stood in court, was the man whom he drove in the hackney-coach, swore that that man, when

he got out at Green Street, "had a red coat underneath his greatcoat." This seems to tell against the assumption that the coats had been changed on the road. Neither the waterman nor the hackney-coachman would swear to the man ; but one, Crane, swore to a red coat as worn by the man whom he deposited at Green Street, and that he had on a red coat at the time of arrival there. We shall soon come to inquire into the character of the witness Crane. It was held by Lord Ellenborough to be established that De Berenger took off the red coat in Lord Cochrane's house. A red coat, torn in pieces, had been dredged up by a waterman, on March 24, just above Old Swan Stairs, and it was assumed by the judges, without a particle of evidence, that Lord Cochrane had been concerned in the sinking of the bundle. It was not proved that it was the coat worn by De Berenger ; and Lord Cochrane himself points out that, if it had been desired to conceal or destroy the red coat worn by that person, the winter's fire in his grate at Green Street would have supplied an easy means. Lord Ellenborough, however, who on this occasion and others seems to have

aspired to wearing the mantle of the infamous Scroggs—a personage already seen in these pages—addressed the jury in these terms :

“ Having hunted down the game, the prosecutors showed what became of his skin ; and it is a very material fact that the defendant De Berenger stripped himself at Lord Cochrane’s. He pulled his scarlet uniform off there, and if the circumstance of its not being green did not excite Lord Cochrane’s suspicion, what did he think of the star and medal ? [These things were found, we may remark, in the bundle dredged up by the waterman, a bundle not in the least traced to De Berenger or Lord Cochrane.] It became him, on discovering these, as an officer and a gentleman, to communicate his suspicions of these circumstances. Did he not ask De Berenger where he had been in this masquerade dress ? It is for the jury to say whether Lord Cochrane did not know where he had been. This was not the dress of a Sharpshooter, but of a mountebank. He came before Lord Cochrane fully blazoned in the costume of his crime.”

Even Scroggs, or Jeffreys himself, could scarcely have beaten this in a charge to a jury. A “re-

vised" (*i.e.* grossly garbled) report of this charge was afterwards put forth, on July 20, in the House of Commons by the Attorney-General, when it was found that the public mind was greatly excited by the manifest unfairness of Lord Cochrane's treatment. All the reports in the daily papers agreed in giving Lord Ellenborough's words as above. The "revised" report made the judge go throughout on an "if"—"*If* he (De Berenger) appeared to Lord Cochrane so habited, etc." The Attorney-General had the effrontery to say concerning the new report of the trial that "he was glad the period had arrived when the trial could be read at length, and thus do away the effect of those imperfect statements (the reports in the daily papers) which misled the public mind." On the same date, in the House of Commons, the Solicitor-General actually charged Lord Cochrane, in his defence before the House, with having "misrepresented and misquoted the judge," because he, the inculpated member, had quoted the reports of the daily papers, the only ones at his disposal. It was owing to the "revised" report that further investigation was refused by the Admiralty, and that the bravest,

ablest, most ingenious, and most original officer of the Navy was dismissed from the service.

We must now revert to the subject of the red coat, and pry a little into the character of that interesting personage, the witness Crane, as well as refer to evidence in Lord Cochrane's favour which he was not permitted to adduce. After conviction, Cochrane sought additional evidence to support an appeal or an application for a new trial. This application was refused by Lord Ellenborough. At a new trial Lord Cochrane would have produced affidavits actually made, in the interests of public justice alone, by respectable tradesmen, living near Crane, the hackney-coachman who swore to the red coat. These persons, unknown at the time both to Lord Cochrane and his solicitors, went voluntarily before the Lord Mayor and deposed on oath—one that De Berenger "got out of the chaise into a hackney-coach; that he was dressed in green, with a grey greatcoat, and that there was no red on any part of his dress"; another, that "his greatcoat was partly open, and that the under-dress was dark green, like that of the Sharpshooters." Charles King, stablekeeper in

the Westminster Bridge Road, swore that "he met Crane, and was told by him that he (Crane) did not see De Berenger's under-dress, as his coat (at the time when he stepped in the hackney-coach) was closely buttoned up." He also protested, with horrible language, that "he would have a hackney-coach out of them," meaning, as deponent believed, out of the prosecutors. After the trial, the same deponent saw Crane; and when he charged him with going too far in his evidence, Crane replied that "he would swear black was white, or anything else, if he was paid for it!" Also that, whereas before the trial Crane's coach and horses "were of a most miserable description, since the trial he has purchased a hackney-coach and horses of the best kind." The same deponent described Crane's general character as "most infamous," and his language as indescribably blasphemous and obscene. Another witness confirmed the sworn statement that Crane vowed that he would swear black was white, etc. Another witness made affidavit that "a few days after February 21 Crane told him that the person whom he took up at Marsh Gate, Lambeth, was no other than

Lord Cochrane himself; that he knew Lord Cochrane well, etc." This statement was confirmed by another respectable witness. Upon the whole, we may safely conclude that De Berenger arrived at Marsh Gate, Lambeth, in his green uniform, having changed the red one on the road from Dover; that Crane was a perjured liar, and that this villain was suborned and well paid by the prosecution. Before the trial this man, Crane, had been convicted, in May, 1814, of atrocious cruelty to his horses, and was severely punished, being suspended from driving any coach for three months. In 1826 he was sentenced to transportation for seven years for stealing twenty sovereigns and other property.

It was upon the evidence of this man, evidence concerning the colour of a coat, evidence which, if it had been true, in no wise affected Lord Cochrane, that the great sea-captain, tried on June 8, 1814, was convicted and sentenced to an hour's detention in the pillory outside the Royal Exchange, a year's imprisonment in the King's Bench Prison, and a fine of a thousand pounds. The "pillory" part of the sentence

was remitted. Conviction was followed by expulsion from the House of Commons, voted by a majority of one hundred and forty to forty-four, the minority including many members of high ability and integrity. The men of Westminster shortly afterwards re-elected him to the House. His banner as Knight of the Bath was, by an act without precedent since the institution of the Order in 1725, taken down from its place in Henry the Seventh's Chapel in Westminster Abbey. For nine months Lord Cochrane lay in the King's Bench Prison, and then escaped at the risk of his life, falling from a height of about twenty-five feet on his back, and being picked up insensible. He boldly took his place in the Commons as member for Westminster, in defiance of his expulsion. He was then, by main force, dragged from his seat in the House, and confined in the strong room until the expiration of his term. Among the curiosities shown to visitors at the Bank of England is a thousand-pound banknote, No. 8202, dated June 26, 1815, thus endorsed :

*“ My health having suffered by long and close confinement, and my oppressors being resolved to*



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*deprive me of property or life, I submit to robbery to protect myself from murder, in the hope that I shall live to bring the delinquents to justice.*—KING'S BENCH PRISON, July 3, 1815. COCHRANE."

That hope was not destined to be realised. It was in vain to appeal in that day from Tory ministers to the same or other Tory ministers, and Lord Cochrane had to be satisfied for many a year with the knowledge that he enjoyed the confidence and esteem of such men as the Marquis of Lansdowne, Sir Francis Burdett, Mr. Whitbread, Mr. Joseph Hume, and Sir Robert Wilson. We cannot here dwell on his glorious career in South America as he helped the Spanish colonists to win their independence. He was sustained and solaced throughout all his troubles by the affection and high spirit of his admirable wife, formerly Miss Katharine Corbett Barnes, to whom he was married at Annan in 1812. Soon after William the Fourth came to the throne, that lady, who had become Countess of Dundonald by her husband's accession to his father's peerage, made her way, against many obstacles, to an interview with the King, and received from his lips the assurance that "he would no longer allow the

reparation which was her husband's due to be withheld." The coming to power of a Whig Ministry aided the King's object, and on May 2, 1832, in the usual illogical style, a "free pardon" was granted to the Earl for an offence which he had never committed. This was, however, in effect, a complete recognition of his innocence, after the lapse of eighteen years. At the same time, an Order in Council placed him in the list of Rear-Admirals of the Blue, and on May 9 he was, in that capacity, presented to the King at the Levée. Congratulations from all quarters poured in. But reparation was not yet complete. At last, on May 25, 1847, Lord Dundonald was gazetted as a Knight Grand Cross of the Bath; and Prince Albert, as Grand Master of the Order, dispensed with the usual formalities and delays, thus enabling the gallant veteran to wear the Cross at the birthday Drawing-room which he attended on May 27. In the following July he was installed at Buckingham Palace, and the Duke of Wellington expressed his satisfaction at the new Grand Cross's restoration to the Order. Next to the approbation of his sovereign lady the Queen, nothing could be so delightful as the

friendly clasp of that conquering hand on such an occasion. After serving for some years as Commander-in-Chief on the North American and West Indian Station, he returned to England, and died at Kensington, on October 31, 1860, in his eighty-fifth year. He had thus, in Macaulay's noble words on Warren Hastings, "gone down to his grave in the fulness of age; in peace, after so many troubles; in honour, after so much obloquy." On November 14 he was buried in Westminster Abbey, within a few yards of the beautiful chapel in which again floated the same banner that had been ignominiously torn down in 1814. By a singular fate the banner had been recovered some years before from an old curiosity-shop. Among the pall-bearers were Admiral Sir George Seymour, a veteran associate in the famous Basque (or Aix) Roads exploit, and other old comrades. Lord Brougham, his counsel at the trial, his friend of fifty years' standing, had come from Paris, and was overwhelmed with grief. A vast congregation expressed and represented the reverent homage of all that is best in British life. In warfare the hero and patriot had done deeds of unsurpassed skill and courage in their

own class ; and, patriot and hero as he was, he had endured persecution and injustice such as few in modern days have encountered and survived. The anthem, "His body is buried in peace, but his name liveth for evermore," was never more fitly sung over an open grave. The jesting *Punch*, which has so well known how to alternate, in cartoon and verse, the serious with the satirically comic, and the sternly solemn with the innocently gay, contained in that week some stanzas from the pen of Tom Taylor, the famous playwright, afterwards editor of the renowned periodical. The concluding words were :

"TWINE MARTYR'S PALM AMONG THE  
VICTOR'S CROWN."



## CONCLUDING WORDS ON "L'AFFAIRE DREYFUS"

WE have now laid before our readers four notable trials of modern days in which, under the influence of various evil passions, abominable injustice was wrought. The sum-total of infamy displayed in all these trials combined does not surpass what was revealed in that den of cowardice and crime, the French General Staff. The unique *cause célèbre* of the nineteenth century, *L'Affaire Dreyfus*, is conspicuous for every kind of wickedness that can be brought to bear against an innocent man. The evil there portentously and ominously perpetrated is appalling and colossal. The methods used were almost inconceivably base and mean. Forgery and perjury, murder and attempted murder, have been combined with all the dirtiest work of spies: the photographing of foreign military *attachés* through slits in the

shutters of the room where they were assembled ; the use of telephones in the chimneys of their private rooms, so as to overhear their talk ; the bribing of charwomen employed at the German and Italian Embassies in Paris to steal from the waste-paper basket pieces of torn documents and to bring them to the French military authorities for fitting together. Add to this the intimidation of Madame Dreyfus, the attempted torture of a loving wife, by assertions that her husband was a traitor, scoundrel, and debauchee. Add to that the conclusion of guilt in the accused because no compromising papers were found in his rooms—he had been cunning enough to hide or destroy them ; because he could not be “entangled in his talk,”—“thanks to the supple character of his mind” ; because the *bordereau*, written by Esterhazy, contained writing only somewhat like that of Dreyfus—he had cunningly disguised his hand. Add to that the perversion of justice by the supply to the judges, after the hearing of the evidence, and when they were debating on their decision, of the secret *dossier* sent by General Mercier, the Minister of War, containing four documents against the accused, all false and forged.

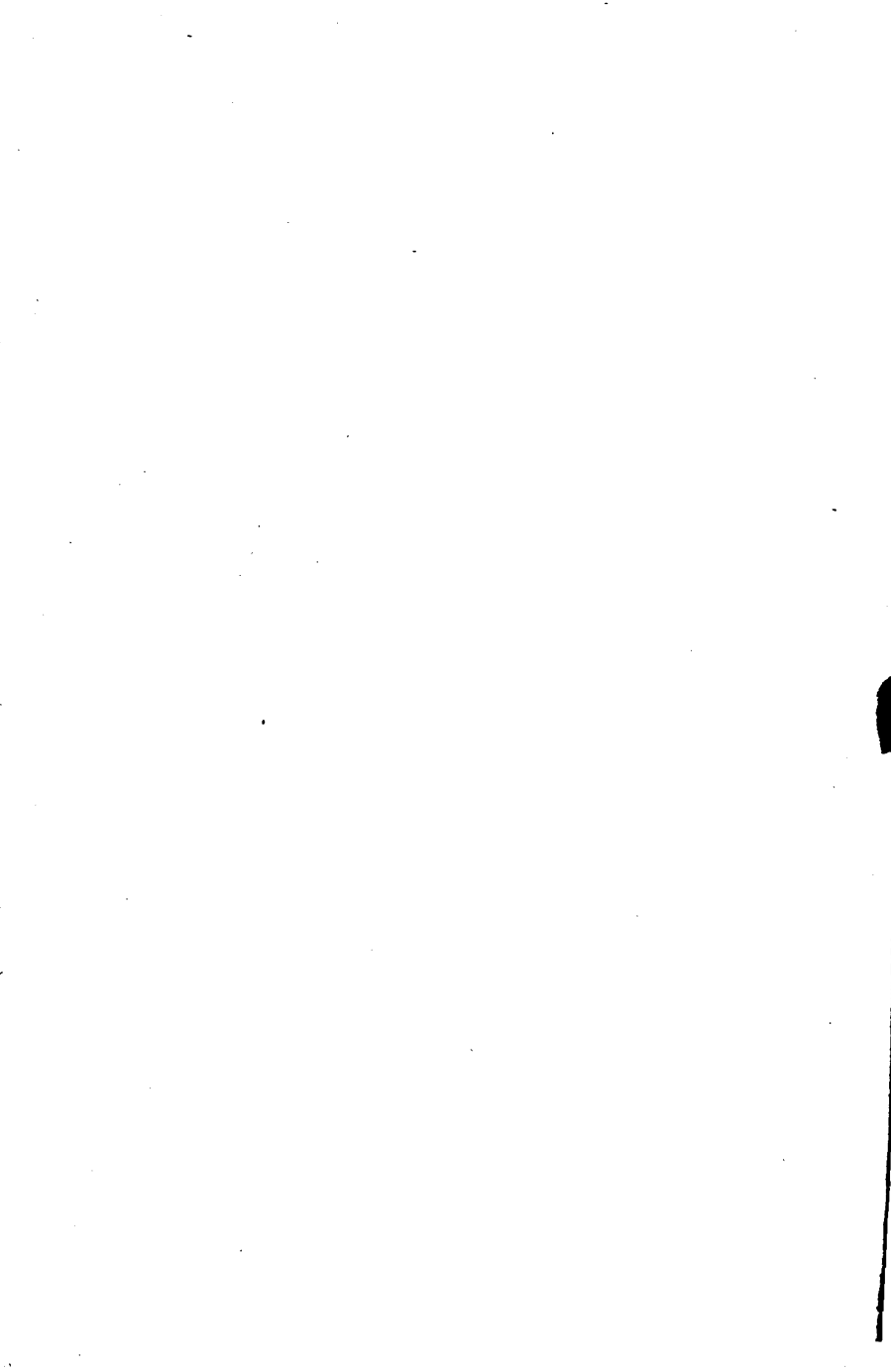
Add to that the acquittal of the guilty Esterhazy, the condemnation of the innocent Colonel Picquart, and the persistent assertions of guilt, in the face of all evidence, made at Rennes by four ex-Ministers of War and four other army chiefs, with the production, throughout the whole case, of countless forgeries which there is no space here to specify, and you have a mountain of evil, in cowardice, baseness, effrontery, mendacity, and deliberate cruelty—all "for the honour of the French army"—which in a fiction we should condemn as caricature, and to which, we venture to say, no parallel can be found in history.

On the other side, for the honour of the country thus degraded, we are bound to set forth, over against the wretches Mercier and Sandherr, Gonse and Henry, Esterhazy and Du Paty de Clam, those noble specimens of Frenchmen who undertook the task of vindicating outraged innocence—Bernard Lazare, author of the first Dreyfusard pamphlet; Scheurer-Kestner, Vice-President of the Senate; Clémenceau and Pressensé, of *L'Aurore*; the eminent writers Zola and Urbain Gohier; Vaughan, Jaurès, and Octave Mirbeau; the noble Picquart, and the counsel,



Maîtres Labori and Demange. These and others have been the righteous men who may yet save their country from the fire of destruction, if saved she is to be, by the influence of their chivalrous courage, their manly devotion and self-sacrifice, in the cause of truth, of justice, and of honour—as the word is understood outside the noxious gang of miscreants whose presence has polluted, or still pollutes, the French General Staff.

Our last word must be one for the innocent victim—the man “pardoned,” forsooth, for that which he never did or was capable of conceiving. His superhuman endurance of wrong, of pain physical and moral ; his noble spirit of forgiveness and excuse for those who had tortured and all but slain him,—these have honoured human nature, not for the first time, in the personality of a man of Hebrew race. The names of Mercier, Gonse, Boisdeffre, and their coadjutors in crime are consigned to an infamy as lasting as will be the halo of martyred innocence that encircles the brow of their now rescued prey, Alfred Dreyfus the Jew !





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